Christopher Lasch on Enforcing Normality • Nixon Fights the Last War

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June 14, 1980

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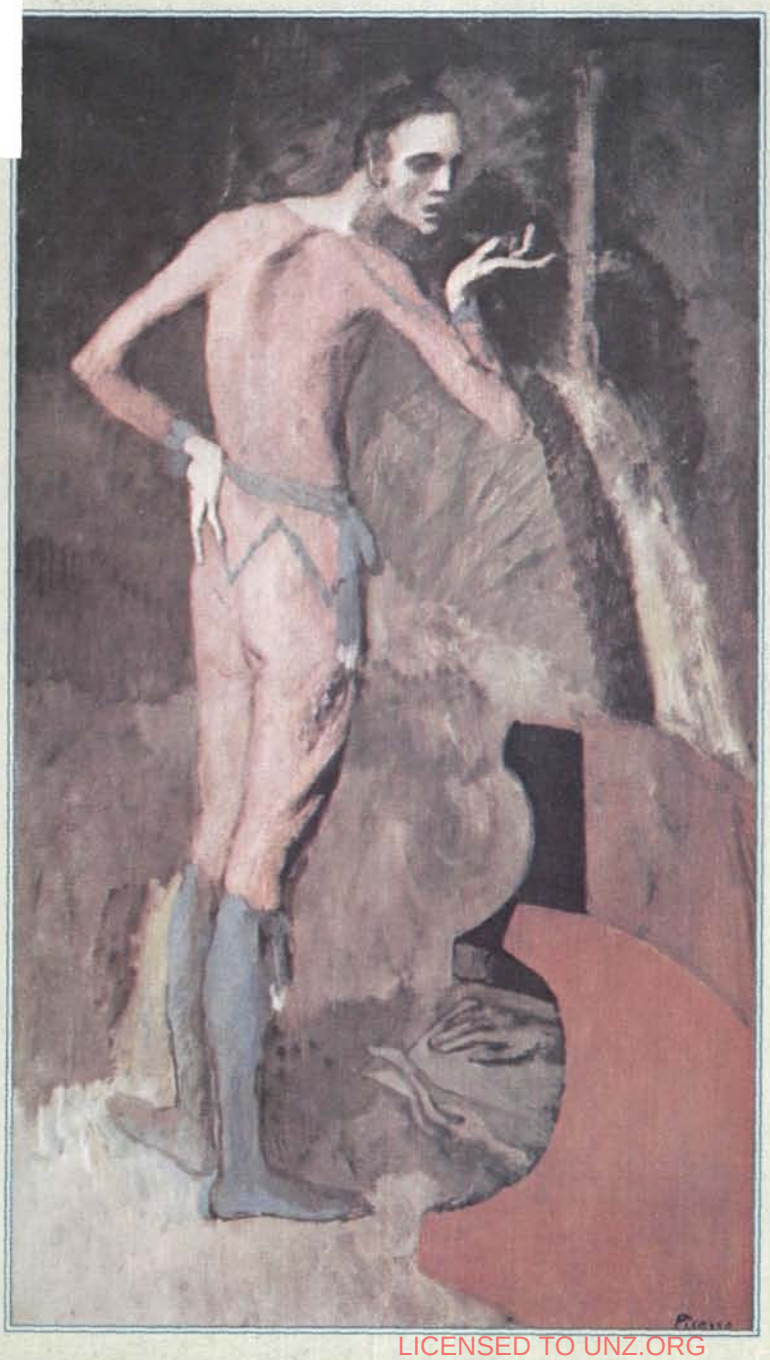

Did Success Spoil Pablo Picasso?

John Canaday

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"World's Greatest Dad"

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TRB

from Washington
June 14, 1980

Sleeping Dogs

The primaries are over. We have gotten through the first year and a half of our extraordinary presidential campaign and now have only five more months to go. Should we rejoice or regret what we've done so far? Whoever we elect will be a world figure; do Carter or Reagan measure up? Why did Lord Bryce a century ago title one chapter in *The American Commonwealth*, "Why Are Great Men Not Elected to the Presidency?" Historian Henry Steel Commager makes a revealing contrast of the first six US presidents with the latest six. Washington, John Adams, Jefferson, Madison, Monroe, and John Quincy Adams. What leaders for a little nation of around five million people! Think of the giants we would produce in a country of 220 million! We got Truman, Eisenhower, Kennedy, Johnson, Nixon, and Ford (not to include the incumbent). Is there a discrepancy here, a falling off? Commager says the latest six are "estimable men all (except one) but not one of world stature." Yes, they are like men who normally wear size 40 suits, suddenly wearing size 45.

Foreigners can't understand our system. It is too subtle even for the ingenious Japanese. Is it really necessary to have 37 different primaries? Our form of government is the only one of its kind in the world. Japan is having an election now, but theirs is naively simple. There was a no-confidence vote in the Diet on May 16; the prime minister dissolved parliament on May 19; the election comes on June 22. That's five weeks. This would be a little abrupt for Americans. We are calmer and more slow moving. In Japan's last precipitate election (October 1979) 68 percent voted. In our last election (1976) only 54 percent voted. That is likely to be the score this year, too, unless things liven up. On November 4, according to the calculations of professors Raymond Wolfinger and Steven Rosenstone (*Who Votes?*, Yale paperback) 161 million Americans will be eligible to vote. But chances are the election will be decided by the 75 million voters who don't bother to vote; they have been lulled into apathy by the long ordeal, or perhaps they are enmeshed by ancient state registration restrictions. The authors argue that only a "relatively little" change in state election laws would attract as many as 12 million additional American voters. Why don't we make registration easier?

Four years ago Jimmy Carter asked that too; in his acceptance speech he declared, "It's time for universal voter registration." But the Republican party's platform was firmly opposed: there would be possibilities of fraud, it declared, that could "not only cheapen our ballot, but in fact threaten the entire electoral process." The 1977 post-election Carter drive to enact nationwide postcard registration was defeated in Congress by Republicans and southern Democrats, as it had been the four previous years. More voters would mean more poor people voting, many feared, a windfall for the Democrats, a marked change, perhaps, in the social class composition of the electorate. It would be a less informed voting population. Voting participation in the US has declined as follows: 1960, 63 percent; 1964, 61 percent; 1968, 60 percent; 1972, 55.6 percent; 1976, 54.4 percent. Down, down, down. This is the lowest percentage of voters among modern democracies. Over the border in Canada the percentage is normally around 70 to 75 percent and the government has an elaborate system of registering voters (as do most other democracies).

Fear of too many voters goes a long way back, to the founding fathers. That's why they established the Electoral College. About this time every four years the bemused American public stops complaining about the inordinate length of the primary system and turns to that unique feature of our Constitution. The electors originally were supposed to use their discretion in choosing a president. George Mason said in Philadelphia in 1787: "It would be as natural to refer the choice of a proper character for Chief Magistrate to the people, as it would to refer a trial of colours to a blind man."

The idea, of course, was that this elite group would know better than the public what was good for it. We have moved on to the primary system of selection, but the anachronistic Electoral College is quietly waiting there in the Constitution for the proper circumstances to blow its top, like Mount St. Helens. This is a man-made volcano, however; it is certainly extraordinary that we haven't removed it.

"Whether or not to abolish the Electoral College has been the longest-standing debate in American political science," said Stephen Hess in his book *The Presidential Campaign* (Brookings). The Constitution requires that a successful candidate must get an absolute majority in the College: in short, 270 votes out of 538. If Reagan gets 268, Carter 267, and Anderson three, nobody is elected and the election goes to the House. The world pauses at the explosive news and the stock market drops. (In the House the second volcanic blast is ready to go off: each state, regardless of size, has one vote; Rhode Island equals California, and if the state's congressmen are tied and can't agree, then the state loses its vote.

Games can be played about this extraordinary system and reporters play them every four years. The American Bar Association called the system "archaic, undemocratic, complex, ambiguous, indirect and dangerous." It ran out of adjectives. Like the crazy primary system, like the two-year election system, the Electoral College continues.

What narrow squeaks we have had. In 1968, racist third-party candidate George Wallace told a reporter on the *Richmond News Leader* that if the chance came he would broker the election between Nixon and Humphrey by demanding a say in picking Supreme Court justices. Wallace got 46 electoral votes—not quite enough.

After a two-year election in which only 50 percent bother to vote, it's not certain that we'll know the next president even after November 4. As a reporter I'll be at the joint session of Congress, January 6, 1981, when they count the Electoral College vote. By that time we'll know. No majority? What a story! All the sleeping dogs in the Constitution will wake up and begin to bark. As a reporter . . . well, what a story.

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Correspondence

Capitalist poster

To the editors:
The cover of your April 26 issue, which purported to be an IWW poster of olden days, actually is an imitation of a Russian revolutionary drawing put out, I think, in 1905 or 1906 by the Socialists.

Adam B. Ulam
Gurney Professor of History and Political Science
Harvard University
Cambridge, Massachusetts

Cuban refugee policy

To the editors:
Your editorial, "A Half-Opened Door," in the May 24 issue was both inaccurate and misguided.

Let me state categorically that I have never advocated that we should "slam the door on the Cubans." On the contrary, I have consistently argued that family members and true political refugees should be permitted to come to America. What I have argued against is the chaotic and extremely dangerous exodus from Cuba on small boats. After visiting Florida, it was evident to me that the Cuban-American community itself was being victimized: boat profiteers were making exorbitant gains for sailing to Mariel and only small numbers of family members were being allowed to depart, while boats were filled with those the Cuban government felt were "undesirables." (Usually for each family member allowed to depart, the Cuban authorities placed three or four non-relatives on the boat.) Many boats (nearly one in four) are in fact returning from Mariel empty, their crews discouraged by long waits, harassment, and little cooperation in reunifying families. Although your editorial correctly notes that prior to the president's announcement I did urge a moratorium on boat departures to Cuba and negotiations to stabilize the outflow, it omits a crucial component of my plan which called on the administration to provide an airlift and/or sealift to bring to this country all family members and refugees eligible for admission.

Your statement that there is no evidence that criminals are among the Cuban outflow is flatly contradicted by my own first-hand experience. In addition to taking extensive testimony on this matter during Judiciary Committee hearings, I have visited detention centers in Miami and in Brooklyn (where all female criminals are being held). I also spoke with dozens of Cubans, including those who were getting off boats in Key West, virtually all of whom were single adult males without families who had been in prison for crimes ranging from theft to murder. There is little question that the Cuban government took people directly from the prisons and, after giving them the choice of remaining in jail for extended periods or leaving the island, shipped them to this country. Over 8000 criminals already have been identified by the Immigration Service, including nearly 700 suspected felons. (This does not include some 1500 individuals suspected of purely "political" crimes.)

It is clear that the Cuban authorities have identified a class of "undesirables" (including common criminals, political prisoners, mental patients, and those who are ill) and are forcibly expelling them. This is a gross violation of international law and should be as vigorously condemned as was the Vietnamese expulsion of their ethnic Chinese population last year. I resent and reject the implication that I am a racist for objecting to this wholesale dumping of "undesirable" Cuban nationals and insisting that those who are granted asylum from Cuba be legitimate refugees and family reunification cases brought here in a regular and safe manner. On the other hand, your own statement that Haitians have less claim on refuge in this country because (in your unsubstantiated opinion) "the Haitian government is less oppressive than Castro's" and because Haitians "are in no danger if they are sent back," does smack of bias and clearly underlines the poverty of your analysis.

Finally, you are so anxious to "score a major propaganda victory" at Castro's expense that you are willing to admit as refugees Cubans and others who are "oppressed . . . by simple economic deprivation." This despite the fact that neither Congress, in passing the Refugee Act of 1980, nor the United Nations ever intended that such people should come within the refugee definition. Your position raises some rather disturbing policy questions: do we admit all Mexicans seeking to enter to find jobs and make better lives for themselves and their families? All those from any of the numerous poverty-stricken countries in the Western Hemisphere? If not, how do we distinguish among them?

The editorial is accurate in stating that "it may be impossible to let in everyone in the world who would like to come to the US." In addition to those seeking economic betterment, there are nearly 14 million legitimate refugees worldwide. Given this, there always will be difficult choices to make. If one visits the numerous refugee camps in Southeast Asia, as I have done on several occasions, or travels to Cambodia and the Thai border where millions of Khmer have died, as I did in November, one realizes how difficult these choices are.

Elizabeth Holtzman
House of Representatives
Washington, DC

Clutching at straws

To the editors:
Like a drowning man clutching at straws I seized upon your May 17 issue and Robert Tucker's piece in support of Reagan ("Reagan Without Tears"). For the first time in my entire voting life I am seriously considering voting for a Republican, because the likely alternative, Carter, is so bad. Alas. Tucker's article was as vague and obscure in its reasoning as Reagan's views.

Joseph R. Neall
Dearborn, Michigan

'Once to every man . . .'

To the editors:
Yes, "Once to every man and nation," etc. (Washington Diarist, *TNR*, April 26), has found its way into hymn books, but you might have mentioned that the hymn-maker wrenched these lines from James Russell Lowell's "The Present Crisis," where the choice was whether to favor or oppose slavery—a rather significant decision in our history.

J.R. Dunlap
New York, New York

League debate pecking order

To the editors:
Stephen Chapman's recent article on the League of Women Voters ("America's Mother Hen," *TNR*, May 17) contains some unfounded conclusions about our plans for 1980 presidential debates. The League of Women Voters has made absolutely no decisions regarding

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whether or not third-party and independent candidates will be invited to participate in its 1980 presidential debates. To date, we have invited only four members of the approximately two dozen members of the public advisory committee we shall form to assist us with debates decisions. The complete list of advisory committee participants will be released in mid-June. While the group will help us determine candidate participation and other debates-related issues, it will be the Board of Trustees of the League of Women Voters Education Fund that ultimately will decide what actions we take. Consequently, there is no likelihood that we will "fob off" our decisions to an advisory committee, as Chapman suggests.

Newton Minow and Anne Armstrong were chosen as co-chairs of the advisory committee because they are talented negotiators and have excellent political experience. To allege that their political affiliations and/or past role in 1976 is indicative of a given outcome is incorrect. The League of Women Voters will review all facts and encourage a wide range of viewpoints to be heard before any debates decisions are made. We believe Chapman has missed the mark by suggesting in his article that we intend to do anything but that.

Ruth J. Hinerfield, Chair
League of Women Voters Education Fund
Washington, DC

Oops

To the editors:

TNR, May 3:

TRB—"Who did the professors have in mind as they denounced the dangers of 'personal government'?"

Stephen Chapman—"No one ever said it would be easy to deregulate the American trucking industry, and they were right."

Ain't nobody at your magazine been through grammar school?

George Slaff
Slaff, Mosk & Rudman
Los Angeles, California

A closed political system

To the editors:

Nicholas Lemann's review of *The Ultimate Tyranny* by Eugene McCarthy (*TNR*, May 10) was unworthy and unfair. I have read the book, and it is simply not correct to say that it is exaggerated and overblown—the contrary would be nearer the mark. Clearly McCarthy does believe the movement toward a closed political system is a serious matter though he does not use language like "epochal crises" as Lemann does. Lemann says the notion that a closed system is "the ultimate tyranny" is obviously a "fundamental" exaggeration. To me it seems more obviously a fundamental truth. Lemann has also left the mistaken impression that this is a one-idea book. In fact, if the book has a major fault it is that it has too many ideas, some of which are left undeveloped. There are an awful lot of ideas here in any case, and to my mind a good many are startling and important.

Lemann chooses not to deal with even a few of these. He decides to probe McCarthy's motivations, to explore his legendary bitterness (something we read about in the smart press but which is also not evident in the pages of this book). Why is it so difficult for Washington journalists to contain their psychoanalytic powers? Is it too hopelessly old-fashioned to expect a reviewer to consider the book in question? Is it possible that journalism, since it deals in personalities, does not equip its practitioners to deal with books that are conceptual?

The Ultimate Tyranny is a flawed but thoughtful book about nothing less than the bureaucratization of the American body politic; it deserved a more thoughtful review.

Keith Burris
University of Pittsburgh
Pittsburgh, Pennsylvania

Real estate adventurism

To the editors:

Thank you for publishing James K. Glassman's "Prisoners of Real Estate" (*TNR*, May 17), which does a superb job of puncturing many of the prevailing myths surrounding the middle class's obsession with speculating in the housing market.

As one of the few remaining tenants in Washington, DC (I rent in a high-rise apartment in Cleveland Park), I have been especially struck by a strange transformation that takes place in my liberal friends when, as it inevitably does, the subject of real estate comes up at Washington social occasions. Make a conversational shift from obscene corporate profits or the excessive defense budget to the subject of parlaying one's real estate investment into a huge bonanza and their demeanor suddenly takes on the characteristics of a William F. Buckley clone, and their language assumes the patronizing tones of a John Connally or Jesse Helms. I am glad to say that when one of these friends says to me, "You mean you still rent?," I no longer squirm. I simply respond by saying, "Yes, and that makes me a second-class citizen."

Yup, it seems that real estate adventurism among middle-class liberals has created an unforeseen class distinction. There are now liberal renters and "liberal" home owners.

Burling Lowrey
Washington, DC

Cancel my subscription

To the editors:

I have been a subscriber of *TNR* for two decades or more. It has long been the essential weekly reader for our family. Over the past year or more, however, we have felt let down, but have been reluctant to part with such an old and faithful companion.

But now, alas, your editorial defense of corporations, with its ridicule of Big Business Day (*TNR*, April 19) turned the trick.

I happen to hold what you call the "naive critical viewpoint" that "large corporations are inhuman hydra-headed monsters, roaming the countryside out of control, ravaging the landscape and the populace to satisfy their all-consuming lust for profits." And I am aghast to hear *TNR* editors mouthing the time-worn clichés of the economic royalists: "profits are mostly good, not bad" and the existence of large corporations is "mostly good, not bad." You grant that "large corporations do pose problems for society," but then you blame "government" for not solving them, with little recognition that government too is controlled by big business! Who is naive?, I ask.

Please cancel my subscription. I will do quite well with *The Progressive* and *In These Times*.

Lyle E. Craine
Ann Arbor, Michigan

Pseudonymous review

To the editors:

Sharif Aranyi's review of Amin Saikal's *The Rise and Fall of the Shah* (*TNR*, May 31) is full of innuendos and assertions of lack of integrity on our part and on the part of Mr. Saikal. We think Mr. Aranyi's review should be judged in the

(continued on page 39)

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THE NEW REPUBLIC

June 14, 1980

Europe and the PLO

The Europeans are always looking for symbolic gestures to demonstrate their independence from the United States. Self-assertion is a perfectly understandable and doubtless also necessary aspect of our reciprocally dependent relationships, successful ones especially. We see it in marriage and friendship, at work and play, between parents and children. There is no reason why this impulse for independence and self-definition shouldn't emerge among nations in alliance, too. But some acts of self-assertion are merely reckless and transparently self-interested. This is surely the case with the Middle East diplomatic initiative of our European allies, as the French and British vie for the tangible rewards they imagine the petro-rich Arabs will dispense to the certified leader of the anti-Camp David, which is to say, anti-American, revolt.

The Europeans will argue, and with some justification, that their intention to introduce a sweeping resolution at the UN, replacing and contravening the principles of Security Council Resolution 242, results from the utter disarray of American foreign policy. Maybe Secretary Muskie will yet persuade Lord Carrington and Monsieur François-Poncet to spare Jimmy Carter the humiliation of another diplomatic defeat at the hands of our friends until after the November elections. But it's almost inconceivable now that the Europeans will abort their much-touted new Middle East diplomacy. That's because what they've undertaken, despite what they and the congenial press call it, is not a diplomatic initiative at all, but an abject capitulation to the Mediterranean and Persian Gulf oil potentates. And since what the folk in Tripoli and Riyadh and Baghdad want is not at all what US policy has sought to achieve through the one process that has brought any real progress toward peace between Jew and Arab, the question arises: in what substantial way can our allies still be called allies? Certainly not on the basis of their reluctance to impose serious sanctions on Iran, itself a half-way measure designed to meet Europe's shopkeeper cupidity half-way. Nor on the evidence of Western Europe's half-hearted response to Soviet aggression in Afghanistan. Allies are allies only if they behave like allies. Fair-weather friends are not allies. To call France an ally today is to mistake nostalgia for reality.

What exactly are the Europeans preparing for in the UN, that discredited forum with its pat axioms and cynical majorities? The current plan is to offer a resolution calling for Palestinian self-determination. Now, self-determination is not a principle that the UN is particularly big on these days; it touches adversely on too many Arab countries with oppressed ethnic minorities—not to mention the Soviet Union. But self-determination for the Palestinians is different, and in UN parlance it means a Palestinian state. In the real world of Arab politics, where terror is the final arbiter, that means a PLO state. Neither the French foreign minister nor his British counterpart has made any effort to conceal or disguise the fact that they intend to submit a pro-PLO resolution. There will, of course, be a reflexive reference to Israelis' right to security. The envisaged PLO state evidently will be limited, at the

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outset at least, to the West Bank and the Gaza Strip.

No moral imperative animates this European effort to short-circuit the autonomy negotiations still under way between Egypt and Israel. What these negotiations require—aside from much greater flexibility from the Israelis—is the presence of local Palestinians, yes, radical and militant Palestinians, plus representatives from Jordan, a country which lost the West Bank in the war it started in 1967, which now has a Palestinian majority, and whose borders and security arrangements with Israel are critical to any peace settlement. These Palestinians and the kingdom of Jordan have always been wanted at the conference table. But they have stayed away mainly for fear of the terrorist organizations' propensity for settling political differences by assassination. The new UN resolution will keep them further away from the negotiations because it will put international authority on record as ceding their negotiating rights to the exiles in Beirut. This is not conducive to peace, if only because Israel cannot agree to a settlement that satisfies such maximalists. There are, however, various alternative arrangements, wholly in keeping with the dignity and aspirations of the Palestinian Arabs as well as the security needs of Israel. The European resolution doesn't seek those ends. The European purpose is short-term and cynical: to fall into line behind the oil producers who need this surrender by Europe to show the PLO that they are using their wealth and power on behalf of the Palestinians. The move in the UN is of a piece with Lord Carrington's groveling apology to Saudi Arabia for the British telecast of the docudrama, "Death of a Princess." And the Giscard government's decision to provide Iraq with a costly and powerful nuclear capability nicely gauges how much either moral scruple or genuine prudence governs French actions in the Middle East. Eagerness to appease and an acute mercenary sensibility would seem to explain French behavior more accurately.

"Not at all!" we are told in the defensively smug tones of both Carrington and François-Poncet. Ditto from West German foreign minister Herr Genscher. At stake here, say those who can't agree on the price of turnips in the Common Market, is nothing less than unified Western Europe's grand design: to thwart Soviet expansionism by mobilizing a North-South alliance against Moscow. This is surely America's paramount concern as well, they say. No such alliance is viable, goes the argument, without Moslem and Arab support; and this cannot be forthcoming until the Palestinian grievance is laid to rest.

The anti-Soviet motive would have been more credible to Americans had the European leadership shown some greater alarm at Soviet adventurism in recent months and years. But even if that motive were plausible, the argument about Arabs united against the Russians would not be. First of all, many of these Arabs are in sympathy with Soviet ideology and designs. Others are deeply in the Soviet debt for arms and political support. Still others are so in awe of Soviet power that they'd rather accommodate themselves than rely on the unreliable friendship of the US to counter it. In any case, it is preposterous to think that there is an ultimate shared interest between the lunatic colonel who runs Libya and the emir of Qatar, or that such an interest could be defined by hostility to the USSR.

The Europeans now also justify their diplomacy as a response to the impasse in the autonomy talks. But recent hitches in the negotiations do not provide a convincing explanation of European behavior. London and Paris were preparing the diplomatic ammunition for a pro-PLO maneuver long before the talks began. The European maneuver was simply delayed by the success, despite the gloomy prophecies emanating from European capitals, of the Cairo-Jerusalem shuttle. Indeed, the success of this shuttle is particularly galling to the Europeans because it demonstrates the potential sway of the US when Washington commits itself to reasonably and modestly conceived political solutions.

There are, of course, reasons for urgent concern about the prospect of settling the Arab-Israeli dispute. The Begin government has put so chintzy a twist on the autonomy scheme that it cannot but be an offense to a people as sophisticated as the Palestinians. Its obsession, moreover, with maintaining formal sovereignty over the entire West Bank is all but calculated to

Fire UPI

Jamaica Police Believe Poorhouse Fire Was Arson

KINGSTON, Jamaica, May 21 (UPI)—Jamaican police said today they believe a fire at a home for the aged and orphans in which at least 157 women died yesterday may have been set by arsonists.

—*The Washington Post*, May 22

Arson Ruled Out in Jamaican Fire

KINGSTON, Jamaica, May 21 (UPI)—Kingston's fire chief today ruled out arson as the cause of yesterday's nursing home fire here that killed at least 144 elderly women.

—*The New York Times*, May 22

(Thanks to D. Bruce Franklin of New York City.)

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foreclose Jordanian entry into the negotiation process. Happily, the Begin government does not seem to have a long lease on power. In fact, its very fragility as a parliamentary majority is virtually its only strength: the components of the coalition are so afraid that new elections will put them out of the Knesset that they cling to each other, despite deep differences. Only unreasonable pressures on Israel, like those brought by the Europeans, could reactivate popular support for Begin. A Labor government would be much more forthcoming toward the Palestinians in the occupied territories. It would not want to perpetuate Israeli rule over a million Arabs. But neither Shimon Peres nor Yitzhak Rabin would countenance situating the PLO between Jerusalem and the Jordan. They envision a partition of the West Bank that would return most of the land and almost all of the inhabitants to Arab sovereignty; that is the dove consensus in Israel. To encourage the Arabs to think that a withdrawal to the 1967 armistice lines in favor of yet another Arab state is plausible is to encourage them in irrational obstinancy—and to encourage Israel's obstinate irrationality as well.

The atmosphere of official Israeli tolerance for Jewish zealots and vigilantes reinforces Arabs in their direst fears that Zionism can make no room for their hopes. Thus, the enraged little chauvinist sects that go around provoking Arabs do a terrible disservice to Israel itself, further alienating the very people with whom the Israelis must in some way share the Holy Land. These ugly provocations only recall the terror perpetrated against Jews and Arabs alike by Palestinian extremists. No one yet knows whose bombs maimed the West Bank mayors. It is likely that the mayors were victims of Jewish terror—a first, certainly, since the establishment of Israel. No recognized Jewish group has yet claimed responsibility for the deed. But there are Jews who have praised this indecent act, and that is awful enough. To be sure, the mayors themselves are without ethical standing as critics of terrorism. The state of Israel, however, possesses that standing. This would be fatally compromised were the full authority of its laws and the persuasive powers of the Jewish community not to be brought down severely on those Israelis who would fight political battles with bombs and booby traps.

The reaction of most Israelis to the criminal violence committed in their name has been revulsion and indignation. Unfortunately, no comparable reaction to Palestinian terror is evoked among the Palestinians. One reason for this is the gradual accommodation of world opinion, and of the European leadership in particular, to that terror. Palestinian murderers are called Palestinian moderates. Lord Carrington has gone so far as to assert that the PLO is not a terrorist organization, and he has been seconded in this view by Austria's Bruno Kreisky and Sweden's Olaf Palme. Now Western Europe, almost as a corporate entity, and with only barely audible disclaimers and caveats from a few small countries such as Holland and Denmark, purports to assign legal title of the West Bank to the PLO. This will not hasten a settlement of the Palestinian grievance. On the contrary, it is likely to make Israelis only more wary of compromise. What Israel might risk conceding to the Arabs of the West Bank, it could not risk conceding to the PLO.

Surely the Europeans know this. But they are confident their actions will at least earn for them the friendship of the pivotal Arabs. On this score they should have been disappointed already. It should be clear that economic extortion by Arab countries will not abate. Appeasing the PLO is not a one-shot affair; neither is it a matter of coming close to or approximating PLO views. Since the French version of the proposed European resolution limited the PLO state to the occupied territories, Yasser Arafat denounced it late last month as a "pro-Zionist document . . . merely an extension of Camp David." Be sure that the French now are negotiating for wording more acceptable to these "moderate Arabs."

Last month Arafat's Al Fatah, the largest faction within the PLO and universally regarded—by those able to make such distinctions—as the most moderate, resolved at its meetings in Damascus to seek the "complete liberation of Palestine, the liquidation of the Zionist entity, politically, militarily, culturally, and ideologically." At the very moment the Europeans are making a most aggressive effort to integrate the PLO into the diplomatic process, that body's ostensibly most moderate component announces its disdain for diplomacy. "The armed struggle is a strategy and not a tactic. . . . This struggle will not stop until the Zionist entity is liquidated and Palestine is liberated."

There are no sops here to the squeamish European conscience which, one might think, could not so casually contemplate politicide against the Jewish state. There need be no sops. Lord Carrington will accommodate to this crystallization of harsh reality with only slight discomfort; Giscard with none at all. There are no PLO sops with reference to Israel, and there are certainly none in reference to the US. "The US is the No. 1 enemy of our people and our nation. . . . It is essential to consolidate the international front hostile to America. . . ." Will this attack on their major ally deflect the Europeans from their support of the PLO? Of course not. Nor will it deflect those in our own foreign policy establishment whose strategy, when confronted by enemies, is to declare them friends.

The accommodations to the senior partner in the terrorist international is an easy compromise for the Europeans to make. It is, after all, payable only in the currency of Jewish life and Israeli security. The British continue to pursue the IRA Provos; the Germans are perpetually seeking international assistance in their war against the Baader Meinhoff; the Italians are relentless in fighting the Red Brigades; the Spaniards intensify their struggle against Basque separatists and

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offer much less to the proud and ancient Basque nation than even someone as hard-hearted as Begin is willing to yield to the Palestinians. But the Israelis, the Europeans advise, should make room on all of the precarious frontiers of their national existence for those pledged to destroy them. The Israelis will not, and we should not push them to do so.

White House Watch

Preferring Jimmy

Here, following a little introductory punditry, are some notes about recent problems, trends, and doings at the Carter White House. The notes originally were intended to be items in a powerful argument that Jimmy Carter will and should be nominated by the Democrats this summer and reelected in November. That is my view. But justifying it in convincing detail is beyond me. Once the preference is stated, there isn't a lot to say in defense of it and of Carter. Preferring the President to Ronald Reagan and John Anderson—and my view reduces to that when it is examined—has more to do with Reagan and Anderson than with Carter and his performance in the presidency. Teddy Kennedy is assumed to be out of serious consideration.

A brief exposure to Reagan on the campaign road in 1976, at press conferences, rallies, and in an interview, persuaded me that he is not the bumbling, rather amusing, and on the whole acceptable coot that an astonishing variety of people, including our own TRB in this journal's previous issue, are suddenly finding him to be. Ronald Reagan is an ignoramus, a conscious and persistent falsifier of fact, a deceiver of the electorate and, one suspects, of himself. All else apart, I at age 73 am entitled to assert that anybody who will turn 70 in early 1981 is too old to be beginning a first term in the presidency. Reagan's California ranch is the proper place for him to take the daytime naps that he craves.

The record of John Anderson's 20 years in Congress, two meetings with him this year, and what has been read and heard about him since he went for the Republican nomination and, failing in that, declared his independent candidacy, persuade me that he is a weak changeling whose principal claim on the presidency is that he wants it. Anderson is good at identifying issues that cry for strong presidential action and leadership, slow to say what he would do about most of those issues. A politician who has been on the national scene as long as Anderson should not need so much time to define the positions that he would adopt in the presidency—or, perhaps one should say, to revise for current purposes the positions that he adopted and discarded during his progression from reactionary to moderate and occasionally maverick Republican.

Carter's refusal to debate Anderson during the general election campaign was disclosed so casually that the President and his press secretary, Jody Powell, seemed not to care when and how it became known. Near the close of one of Powell's rare on-record press briefings, after Powell had joked that the Lions Club of Americus, Georgia, might arrange for Carter to debate Reagan there, a reporter asked, "Are you willing to debate Anderson also?" Powell answered, "Our view is that the answer to that is no." Question: "Why?" Powell: ". . . once you start opening up the process, then it's hard to decide where you draw the line. . . . It is not our intention to be involved in debate with third or fourth or fifth party candidates." Question: "What is your concern?" Powell: "Primarily that he would help Reagan, which is what we have said all along."

So began the great debate over the 1980 debates, if any. The next day Carter told visiting newspaper editors: "I guess there are dozens of independent candidates and I just have no desire to start deciding which of the independent candidates I meet and which ones I don't." Past debates between the two major party nominees had "set a good precedent" and provided "an adequate forum," and "this is my judgment. I am going to stick to it." He also acknowledged, as Powell had, that one of his reasons was that any Anderson gains "will be more at my expense than at Reagan's expense." On CBS's "Face the Nation" the next Sunday, the President once more admitted that he isn't about to help Anderson take votes from him, and changed his pitch. He said it would be a mistake for him to debate "two Republicans," adding for a clincher that he wouldn't debate Reagan either, if Anderson were invited to join them. Carter was practicing orthodox, self-serving politics, he did not attempt to conceal the fact, and there's nothing wrong with it. Much of the ensuing argument assumed that the President is obligated to give Anderson a forum and status that Anderson had not earned in his losing Republican primary campaign. Since they began in 1960, these televised "debates" have not been genuine debates anyhow. With journalists questioning the contenders and controlling the discussion, they have amounted to rival television panel shows. What's needed is an incumbent president or other dominant contender—it won't be Carter evidently—who has the courage to reject these farces and insist on either true, head-to-head televised debate or ordinary campaigning.

Carter brought much derision and some excessive denunciation upon himself by announcing on April 30 that his critical problems—he specified the Iran hostage situation and three others—had become "manageable enough" for him to get out of the White House and undertake "a limited travel schedule, including some campaigning." He referred, of course, to the pledge he made soon after the 53 American hostages and the US embassy were seized in Tehran last November 4 to stay at the White House, absolutely mandatory travel excepted, until the hostages were free. He freed himself

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for what he'd been deriding as "partisan campaigning" six days after a military attempt to rescue the hostages by force ended with disaster in the Iranian desert. On May 9 at a question-answer fest in Philadelphia, he came more or less clean in a generally unnoticed reply: "When I made the commitment . . . to stay in the White House, I honestly thought we'd have the hostages out in a few weeks. I never dreamed that they'd be held this long. So, it was time for me to make that move. I don't want to mislead anyone. I do not think that the hostage question is any more manageable than it was before."

The reply went unnoticed because on the same occasion Carter appalled and preoccupied the media with a gratuitous and, a spokesman swore, unintended and therefore witless slam at departed secretary of state Cyrus Vance. Vance had quit in protest, ostensibly against the abortive hostage rescue attempt, but more probably in a venting of much broader, accumulated dissents and grievances. Carter said in Philadelphia that he expected Vance's designated successor, Senator Edmund Muskie of Maine, to be "a much stronger and more statesmanlike senior-citizen figure who will be a more evocative spokesman for our nation's policy" than Vance had been. During an airborne press conference, flying to Brussels and Vienna on his first trip abroad as secretary of state, Muskie deplored the high visibility of the hostage issue, blamed the media partly for it, and continued: "The President kept the visibility alive by tying it to his own campaign plans." Any suggestion that Carter's prolonged confinement to the White House, dealing with the hostage problem, was really tied "to his own campaign plans" had been infuriating his spokesmen since last November.

At that same Philadelphia "town meeting," the President said in a particularly silly remark that "the image that has been put forward of a division between the National Security Council and the State Department is primarily a creature of the American news media, and there is no basis for it." There has been a basis for it since the NSC was created in 1947. Muskie said on the day of his nomination that he has the President's assurance that he will be *the* US foreign policy spokesman, meaning that Brzezinski won't. Returning from Vienna and Muskie's first meeting with Soviet foreign secretary Andrei Gromyko, members of the Muskie party twice encouraged Bernard Gwertzman of the *New York Times* to report that Muskie had resented Brzezinski's dispatch of two NSC assistants to Brussels and Vienna and had pointedly excluded them from the meeting with Gromyko. Muskie had said before he left Washington that he'd meet alone with Gromyko and interpreters. The Brzezinski assistants were sent to Brussels and Vienna on other business. As for the spokesman matter, the word soon emanated from Brzezinski precincts that the President has assured him and the NSC staff that their work is highly valued and that Brzezinski is expected to continue expounding US foreign policy and purposes when and as he sees fit. Brzezinski is doing so, though for the moment less frequently than had been his custom since—he says at the President's instruction—he broke out of the White House cocoon in late 1977 and began talking up his role. This was a mistake then and it is a mistake now.

Two recent bits of foreign policy exposition, one by Muskie and one by Brzezinski, reflect an awareness that both the formulation and the expression of Carter policy have been inadequate. At his first full press conference in Washington after he returned from Brussels and Vienna, Muskie remarked that he hopes to give foreign policy "a clearer sense of direction" than it's had. At the end of an interview with the *New York Times*, printed on March 30, Brzezinski was asked how he'd expect Carter foreign policy in a second term to differ from first-term policy. He said he hoped the US would be "constructively engaged in shaping new relations" with an ever-changing world—Brzezinski's dominant theme since 1977—and in reviving arms control negotiation with the Soviet Union. His third and last point was: "I would hope and expect that we would sustain increasingly energetic efforts to revive the critically important role of American power in world affairs and make that power credible and, if necessary, to demonstrate through action that aggression does not pay, that world peace requires mutual restraint and that absence of restraint involves prohibitive costs to the aggressor."

Now go back and read: "*. . . to revive the critically important role of American power in world affairs and make that power credible.*"

One is driven to ask, what have Brzezinski and Carter been doing in the first term?

John Osborne

Politics

Free the Carter 2000

I have bet my $49.95 Texas Instruments alarm chronograph that Jimmy Carter will be the 1980 Democratic presidential nominee. One well-known but necessarily unnamed political correspondent is betting his $10 Timex that Carter can't make it. I am not siding with Carter because I want him, but because I don't think he can be stopped. Edward Kennedy apparently plans to fight Carter to the bloody end, but I would be willing to bet a $150 Seiko (if I had one) that Kennedy will not be the nominee. Now, if someone (say, a group of labor unions) were to organize a Committee for an Open Convention, set up an independent boiler room operation, and begin trying to pry delegates away from

(continued on page 14)

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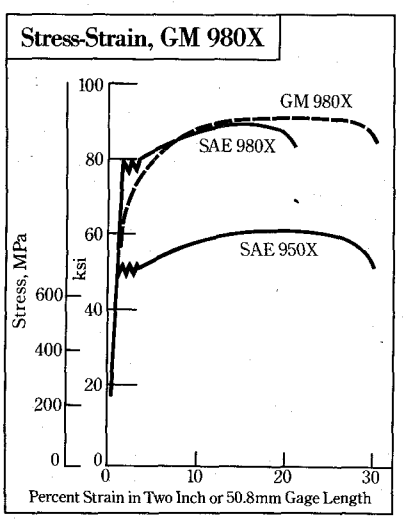
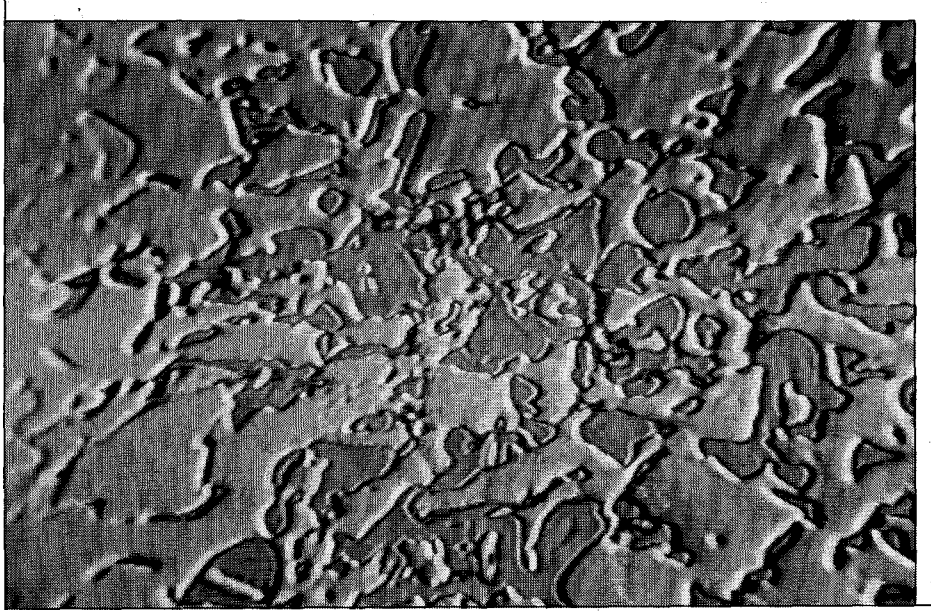
The Ductility Factor

The use of high strength, low alloy steel has been severely limited, due to its low ductility. Now, a simple heat treating and controlled cooling process, developed at the General Motors Research Laboratories, has successfully enhanced formability properties without sacrificing strength.



A comparison of the stress-strain behavior of GM 980X, SAE 980X, and SAE 950X steels. GM 980X offers greater ductility at the same strength as SAE 980X, and greater strength at the same ductility as SAE 950X.

Scanning electron microscope micrograph of dual phase steel at a magnification of 2,000. The matrix (background) is ferrite; the second phase is martensite.



FOR SOME TIME, automotive engineers and designers have been faced with the challenge of building cars light enough to get good gas mileage, but still roomy enough to comfortably transport four or five passengers. One technique which has proved fruitful is materials substitution.

Lighter materials, such as aluminum alloys and plastics and high strength, low alloy steels (HSLA), are being phased into new vehicle designs to replace certain plain carbon steel components. Each, though, has displayed inherent problems which limit its utilization.

Unlike plastics and aluminum, however, HSLA steels have the same density as plain carbon steel. Weight reduction is achieved because thinner sections (less volume) can be used to carry the same load. Since the formability (ductility) of most high strength steels is poor, though, it has only been possible to form simple shapes from it. This has severely limited the widespread use of HSLA steels (such as SAE 980X) for auto components. New hope for the increased utilization of HSLA steel has arisen, however, with the development of a new dual-phase steel, GM 980X, at the General Motors Research Laboratories.

General Motors is not in the steel business, and GM 980X is not a brand of steel. GM 980X is the designation for a type of steel displaying mechanical properties similar to those of the samples first formulated at the General Motors Research Laboratories. "GM" in the designation indicates that the steel is a variation of the conventional SAE 980X grade. In the standard SAE system for material identification, "9" designates that the steel is HSLA. "80" is the nominal yield strength of the metal in thousands of pounds per square inch. The "X" denotes a micro-alloyed steel—one containing on the order of 0.1% of other metals such as vanadium, columbium, titanium, or zirconium as a strengthening agent.

GM 980X displays the same strength, after strain hardening, as SAE 980X steel, but has far more ductility. This characteristic allows it to be formed into various complex shapes which were previously thought to be impossible with HSLA steels. The superior formability of GM 980X has substantially increased the utilization of HSLA steel in the manufacturing of automotive components such as wheel discs and rims, bumper face bars and reinforcements, control arms, and steering coupling reinforcements.

Dr. M.S. Rashid, discoverer of

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the technique to make GM 980X steel, comments, "I was working on another project using HSLA steel, when I noticed that if SAE 980X steel is heated above its eutectoid temperature (the temperature at which the crystalline structure of metal is transformed) for a few minutes, and cooled under controlled conditions, the steel developed significantly higher ductility and strain-hardening characteristics, with no reduction in tensile strength."

FURTHER experiments proved that the key variables to make GM 980X are steel chemistry, heating time and temperature, and the rate at which the steel is cooled. Specimens of SAE 980X were heated in a neutral salt bath, then cooled to room temperature with cooling rates ranging from 5° to 14°C/sec. (9° to 26°F/sec.). Dr. Rashid notes, "We found that the maximum total elongation resulted when the cooling rate was 9°C/sec. (16°F), and the lowest total elongation resulted from the highest cooling rate (14°C or 26°F/sec.)."

GM 980X steel has a high strain-hardening coefficient or n value, accompanied by a large total elongation. The n value gives a measure of the ability of the metal to distribute strain. The higher the n value, the more uniform the strain distribution and the greater the resistance of the metal to necking (localized hour-glass-shaped thinning that stretched metals display just prior to breaking). Tests have proved that GM 980X distributes strain more uniformly than SAE 980X, has a greater resistance to necking, and thus has far superior formability.

"The superior formability of GM 980X compared to SAE 980X steel appears to depend on the nature of two microstructural constituents, a ferrite matrix (the principal microstructural component) with a very high strain-hardening coefficient, and a deformable martensite (the other crystalline structure) phase. In the SAE 980X, failure occurs after the ferrite becomes highly strained, but when the GM 980X ferrite is highly strained, strain is apparently transferred to the martensite phase, and it also deforms.

"Therefore, voids leading to failure do not form until after more extensive deformation has occurred and the martensite phase is also highly strained. Obviously, the exact nature of these constituents must be important, and any variations in the nature of these constituents could influence formability. This is the subject of ongoing research."

Dr. Rashid's discovery represents a significant breakthrough in the area of steel development. His findings have opened the door to a new class of materials and have completely disproved the commonly held belief that high strength steel is not a practical material for extensive automotive application. "At GM, we've done what was previously thought to be impossible," says Dr. Rashid, "and now we're hard at work to find an even stronger and more ductile steel to meet the needs of the future."

THE MAN BEHIND THE WORK

M.S. Rashid is a Senior Research Engineer in the Metallurgy Department at the General Motors Research Laboratories. He was born in the city of Vellore in Tamil Nadu (Madras), India, and attended the College of Engineering at the University of Madras–Guindy. He came to the United States in 1963 and was awarded a Ph.D. in Metallurgical Engineering from the University of Illinois at Urbana-Champaign in 1969.

After a three year Post-Doctoral Fellowship at Iowa State University, he joined the staff of the General Motors Research Laboratories.

Dr. Rashid is continuing his investigations into the development of even more ductile high strength, low alloy steels. When not in the lab, he enjoys relaxing by playing tennis and racquetball with his wife, Kulsum.

GM General Motors
People building transportation to serve people

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President Carter; if the economy and Carter's polls were to take a steep dive through June and July; and if a plausible alternative candidate were to say, "Okay, I'm available. . . . " If all this happened, it's conceivable that the Democratic party might nominate someone other than Carter or Kennedy. But the odds are still very long—at least five to one, I'd judge, or an alarm-chronograph's worth against a Timex.

There should be no question at all about who is going to win the Democratic nomination. The post-primary delegate count puts Carter well over the 1666 needed to nominate—at 1964, according to the *New York Times*, to Kennedy's 1239. Normally when a front-runner goes over the top the opposition collapses, the press reports the game to be over, and members of the party look for places on the winner's bandwagon, even if they do not like his political music.

But that is not happening this year. The opposition is defiant, the press is equivocal, and no band wagon is rolling. Carter did badly in the final eight primaries June 3, all right, losing five, but it was scarcely a wipeout of the type that Carter had administered to Kennedy in earlier races. Nor was it as bad as Carter's showing in 1976 when he won only 218 of the 540 delegates selected on Super Tuesday. This year he won 321 to Kennedy's 372. Of the so-called Big Three primaries, Carter again lost New Jersey and California and won Ohio. In 1976, Ohio was enough for everyone to say that the contest was over. In 1980, though, Kennedy and his supporters are dismissing Ohio and fastening on network exit polls showing massive Democratic dissatisfaction with President Carter. The TV networks and newspapers duly reported that Carter had enough delegates to nominate, but declined (partly at the urging of the Kennedy campaign) to say that Carter had "clinched" or "locked up" the nomination. The *Washington Post*'s morning-after headline was: "Carter Limps Over the Top." Translation: Carter Wounded.

Where does it go from here? It is not exactly clear how Kennedy plans to proceed—perhaps he hasn't yet decided on a strategy—but the signals from inside his campaign suggest several avenues of assault on Carter. First, Kennedy presumably will appear before some state Democratic conventions, such as the one in Texas June 20, and before Democratic constituent groups to continue spreading his primary campaign messages that Carter has abandoned traditional Democratic values, has failed in both domestic and foreign policy, and can't win in November. Second, he probably will use the Democratic convention's platform committee as a vehicle for picking fights with Carter over such issues as wage-price controls, oil price regulation, anti-recession stimulation of the economy, and 1981 budget cuts.

Third, Kennedy's political operatives are likely to try to find waverers among Carter's delegates and seduce them into defecting. At the same time, the Kennedy forces apparently will try to make Carter out to be a frightened, heavy-handed despot who is unwilling to defend his policies in public debate, is afraid to face the judgment of an "open" convention, and who will resort to shady tricks and power plays to get his way. Finally, the Kennedy people may try to overturn Rule 11(H) of the party's 1980 delegate-selection rules, freeing delegates to vote their "consciences."

As the Kennedy people see it, when the Democratic convention begins in August, the United States will be in the midst of a deep recession, Carter's approval ratings will be in the low 20s, and the president will be running a poor third in the opinion polls behind a just-nominated Ronald Reagan and John Anderson. Delegates will arrive in New York itching to revolt, and when Carter tries to put down the first signs of defection by kicking delegates out of their seats—as Rule 11 (H) allows—the convention will rise up, adopt a Kennedy platform, open the convention, and nominate a real Democrat.

It's hard to see this happening, though. True, Carter has made a mess of the economy and foreign policy. It's true that exit polls last Tuesday showed that between two-thirds and three-fourths of the voters in New Jersey, California, and Ohio disapprove of Carter's handling of the economy; that 75 percent of Kennedy's voters in those states and 10 to 20 percent of Carter's said they plan to vote for Anderson or Reagan this fall. Even Carter's supporters have been using hostile language about him, including Senator Ernest Hollings of South Carolina, who called him a hypocrite, and Minnesota attorney general Warren Spannus (co-chairman of Minnesotans for Carter-Mondale) who said the Democratic party would be best served if Carter withdrew from the race.

This is all too true, but it does not mean that Kennedy will be nominated. If the Democrats are looking for a winner this fall, it isn't Kennedy. There are no recent polls showing how Kennedy would do in a three-way race with Reagan and Anderson, but the latest two-way Gallup result shows Reagan beating Kennedy 52-37. The same poll shows Carter leading Reagan 49-41. If the Kennedy people think the message of the 1980 primaries is that Carter is weak, what do they think the people have been saying about Kennedy, who has won only 10 primaries this year to Carter's 24? In popular votes, Carter beat Kennedy in the primaries by about

Coming:
Stephen Chapman on
the Return of King Coal.

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58 percent to 42 percent overall, which is a landslide by anyone's measure. Kennedy proved to be a coastal candidate, winning along the Eastern Seaboard and California, but losing almost everywhere inland. If the Kennedy people are offended by Carter television ads raising the "character issue" during the primaries, just imagine what roughhouse tactics right-wing groups would use on behalf of Ronald Reagan during the election campaign if Kennedy were nominated.

So the prospects are that Carter delegates will not be tempted to side with Kennedy. Might they defect to some other candidate? If things really got bad enough they might. But such things do not happen without organization. A committee would have to be organized and money raised to spread propaganda and to begin work leveraging delegates. The slogan of the committee has already been written: "Free the Carter 2000." Kennedy could serve to move the independence movement along at its beginning stages, but very soon a third alternative would have to emerge. Since Walter Mondale and Edmund Muskie seem trapped in Carter's embrace, Henry Jackson is the most likely possibility.

The scenario for the success of such an effort proceeds along much the same lines as Kennedy's: fights in the platform and rules committees, leading to minority reports brought to the floor of the convention. Then on August 12, rules-and-platform night at the convention, anti-Carter forces might move to consider the platform ahead of the convention rules—thereby staging a fight over principles to build up steam for the major rules battle. There would be a test vote, presumably, over changing the agenda, and if Carter forces moved to replace wavering delegates, that might sufficiently offend enough delegates to fuel the revolt. Then, after repudiating Carter on issues, the convention might move to liberate itself from the commitments of the primary process, opening the convention to God-knows-who as the Democratic nominee.

But Carter has a shrewd political staff which is unlikely to let its delegates be drawn away without a struggle. There are few signs of Carter defections yet, and Carter's boiler room workers will be on the phone constantly to keep its people in line. Delegates on the rules and platform committees have been carefully selected for loyalty and ability; there's unlikely to be any bolting from Carter there.

Then there is the party reform tradition to consider. Repeal of Rule 11 (H) would "open" the convention, but it would also mean that the primary election process meant nothing—that delegates were free to vote their own "consciences" and to ignore the will of those they were elected to represent. Ironically, many of those advocating repeal initially favored the rule because it would reduce the role of party "bosses" and make Democratic conventions reflect the preferences of voters.

Finally, to deny Carter nomination would mean a bloody fight that surely would look terrible on television. In a pinch, the Carter people are certain to begin quoting Senator Kennedy on this point. On May 23, 1976, in an interview with Martin Nolan of the *Boston Globe*, Kennedy said that if any candidate came to the convention that year with 1350 of the 1505 needed to nominate, he "would have demonstrated sufficiently broad appeal to justify the nomination. I think if a political party denies such a person the nomination, I'd question how valuable the nomination would be. I think it would be a real distortion of the expressed will of the working members of the Democratic party."

So I don't think President Carter can be denied the nomination. But I do think that a committee ought to be formed to try to take it away. If Carter is smart, conciliatory, and persuasive between now and the convention, and if he shapes up his act so that he stands a chance of beating Ronald Reagan, then the effort to steal his nomination will fail, and it ought to. But if he botches everything up between now and August, I may lose my watch.

Morton Kondracke

The Vatican succeeded where the right-to-lifers failed.

The Drinan Coup

It was not trouble with his peers in Congress, nor the threat of defeat in a bitterly fought election, that prompted Father Robert Drinan, the five-term liberal congressman from Massachusetts, to abandon his political career forthwith. Drinan was forced out of elective office by order of the Vatican. "The Vatican" here, of course, is a euphemism for Pope John Paul II. What was behind this directive? Had Father Drinan done something to incur the disfavor of church officials, or had he simply been caught in a large net intended to pull every clerical fish from the political sea? It is difficult to avoid the conclusion that the papal order was directed explicitly at Father Drinan, and that the reason was not the broader theoretical question of priests in politics but the specific question of abortion.

The official Catholic church has never been especially positive about the involvement of priests in politics, and in elective politics particularly. The Code of Canon Law, which has governed the church since 1917, discourages priests from entering the public forum. It specifically prohibits them from holding political office without the permission of their bishop.

The Second Vatican Council (1962-65) made no comment at all about the question, except to reaffirm the traditional point that the laity's vocation is to "seek the Kingdom of God by engaging in temporal affairs

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and by ordering them according to the plan of God." The council did not exclude priests from the temporal sphere. "Secular duties and activities belong properly *although not exclusively* to laymen," the same document insisted (emphasis mine). At a 1971 meeting in Rome, the Third International Synod of Bishops reaffirmed this basic position. The synodal document on "The Ministerial Priesthood" declared that "the priest, who is a witness of things to come, must keep a certain distance from any political office or involvement . . . unless, in concrete and exceptional circumstances, this is truly required by the good of the community, and [he has] received the consent of the bishop after consultation with the priests' council and, if circumstances call for it, with the episcopal conference."

Yet in an address to the priests of Zaire in May, Pope John Paul II carried forward a theme he had touched upon earlier in Mexico: namely, the inappropriateness of priestly engagement in partisan politics. "Leave political responsibilities to those who are charged with them," he exhorted the African clergy. "You have another part, a magnificent part, you are 'leaders' by another right and in another manner, participating in the priesthood of Christ, as his ministers. Your sphere of interventions, and it is vast, is that of faith and morals."

The pope's public remarks have led some to insist that there is some inherent contradiction between a vocation to the ordained priesthood and involvement in elective politics. This argument is untenable, both historically—since the Middle Ages the Catholic priesthood from the papacy on down had made frequent excursions into politics—and as a matter of common sense. If membership in Congress is unsuitable for a priest because it doesn't engage his distinctive ministerial call to preaching, sacramental celebration, and other "spiritual" responsibilities, then why aren't other kinds of so-called temporal activities also unsuitable for him? Priests have served as teachers of many subjects besides "religion," as school principals or college presidents, diocesan comptrollers, directors of cemeteries, directors of diocesan insurance programs, psychiatrists, physicians, athletic coaches, and so on. No one, least of all the Vatican, objected when Father Drinan was dean of the Boston College Law School.

If Father Drinan belongs outside of Congress because being a congressman is not priestly work, then the same conclusion has to be applied to the hundreds and thousands of priests engaged in occupations that are equally dubious by the same narrow standards. Wasn't Father Drinan also representing the church? Doesn't he also have a chance to do priestly work

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through his so-called secular occupation? Can't he also serve as a model and inspiration for his fellow members of Congress, their staffs, and the public at large?

Drinan himself said in announcing his withdrawal, "I have spent 10 of the 27 years of my priesthood as a member of Congress. I am certain that I was more influential as a priest in those 10 years than in my previous 14 years as dean of Boston College Law School."

The Vatican directive inevitably raises anew some of the old anti-Catholic fears and charges about the threat of Vatican interference in US political life. The decision and its manner of execution are in some conflict with two principles of Catholic theology: the principle of subsidiarity (which requires, among other things, that decisions should be made as closely as possible to the point where they will have their impact) and the principle of collegiality (which requires, among other things, that decisions should be made in light of local circumstances, experiences, traditions, and cultures).

Why, if there is no inherent contradiction between a vocation to the ordained priesthood and involvement in elective politics, should the Vatican have risked stirring the political waters in the United States and placing itself in so unfavorable a light in the eyes of many Americans? Why, if this latest directive was to have universal impact, was there no document prepared and circulated worldwide (there was only a message from the Jesuit general in Rome to Father Drinan's provincial in Boston)? And why, finally, was the communiqué timed so that it would have its impact before Father Drinan's filing deadline for reelection had passed?

Father Drinan has been the number-one target of the right-to-life movement ever since he cast his first vote in favor of government funding of abortions for the indigent. The reason is clear enough. The most committed opposition to abortion over the years has come from the Catholic church. Catholics are prominent, for example, in the fight to overturn the 1973 Supreme Court abortion decision by constitutional amendment. In the view of his enemies, Robert Drinan has blunted the force and effectiveness of the Catholic church's effort to protect the rights of the human fetus. Drinan is no ordinary political figure. He is a prominent Catholic priest. Many in the anti-abortion lobby are convinced that Drinan's votes supporting the funding of abortions have carried at least 50 other congressional votes—mostly Catholic legislators who otherwise might not have had the courage of their political convictions.

The Vatican has been subjected to a steady stream of pressure from bishops, clergy, religious and various lay organizations in the United States, urging Drinan's removal from Congress. Every bishop and religious superior has a file full of letters and complaints and accusations against priests, sisters, and active lay persons, demanding their removal from some church position or other. Letters of protest about Father Drinan have topped the list in Boston, his ecclesiastical home base. Undoubtedly, this has been duplicated elsewhere: in the Apostolic Delegation in Washington, DC, at the National Conference of Catholic Bishops, and in individual dioceses around the United States whose bishops are known to be friendly to the right-to-life movement (as opposed to those who are against abortion on moral grounds, but not sympathetic with the politics or tactics of the right-to-lifers). Other contacts are made on a one-to-one basis, at conferences, informal gatherings, and chance meetings where conversations may turn to politics and then, almost inevitably, to Father Drinan. Personal contacts in Rome were exploited: in the Vatican congregations, which are comparable to cabinet-level departments, and with the pope himself. What the Republican National Committee was unable to accomplish with its vast amount of campaign funds, the Vatican has managed to accomplish for it without a penny spent (apart from postal and telephone charges) or a vote cast.

To be sure, Robert Drinan's record will endure long after the controversy over the circumstances under which he left Congress are forgotten: his commitment to peace, human rights, social justice, and civil liberties. But inevitably many will wonder about his unfinished business, about the kind of record he would have continued to build in the future.

"In January he would have headed the Subcommittee on Refugees and Immigration," *Boston Globe* columnist David Nyhan wrote soon after the Vatican directive became public. "What Sister Teresa retails he could have done wholesale. Boat people, Cubans, Haitians, illegal aliens by the millions, exploited people everywhere. That's not God's work? Apparently not to this Pope."

That may not be a completely fair judgment about the pope, but Nyhan has it exactly right about God and about His man in Congress.

Richard P. McBrien

Richard P. McBrien is currently professor of theology at Boston College and will assume the chairmanship of the Department of Theology at Notre Dame next fall.

Are we hostages to our ideals?

Immigration Anxiety

In many troubled countries these days, the United States is but a TV screen away. Dr. Welby and Kojak, the Brady Brunch and Charlie's Angels—and their station wagons, suburban split-levels, and electronic gadgets—are acquiring a reality that rivals that of the saints in cathedrals and the immortals in Eastern

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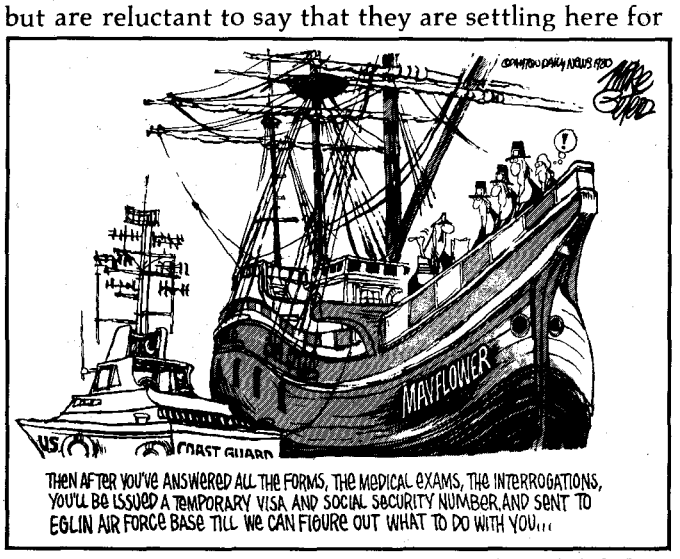
legends. Despite all the jamming of signals and denunciations of imperialism, America's *image fixe* is that of a nation of nations, a country with a conscience, where hard work pays and a refugee or immigrant can rise as high as the office of secretary of state.

It is not easy to decide who is a victim of a politically repressive regime and who is an applicant for American opportunity and largesse. The new immigration law that went into effect this April authorizes the entry of 50,000 political refugees a year, a number the president, after consultation with Congress, may increase. The regular immigration quota is now set at 270,000 a year. In the days of the cold war, a refugee was an escapee from communist tyranny. But the new law does not distinguish between dictatorships of right and left, and defines the refugee as an alien with a well-founded fear of persecution in case of return home. The official determination is that East Europeans, the boat people of Southeast Asia, and Cubans meet that test *as groups;* but, according to a State Department study last June, Haitians *as a group* do not, and consequently Haitians applying for political asylum require case-by-case investigation. However, many of those fleeing communism declare that they seek entry to the United States because of better economic opportunities; Haitians insist that at home they could be jailed merely for demanding jobs.

At what point does economic discontent become political opposition? And when is economics not politics in societies in which every act and attitude, including being apolitical, is political? There are always refugees who once played with their lives by defying a dictatorship, and a handful of intellectuals come to the United States to have their writings published or art exhibited. But must a regime be repressive politically as well in order for the United States to accept as refugees those driven out by poverty or by discrimination at the hands of merchants or landlords?

Israeli immigrants balk at being called economic refugees and talk about returning home, as do upper- and middle-class Argentinians, Colombians, and Mexicans who gradually transfer their families and assets but are reluctant to say that they are settling here for


MAYFLOWER
US COAST GUARD
THEN AFTER YOU'VE ANSWERED ALL THE FORMS, THE MEDICAL EXAMS, THE INTERROGATIONS, YOU'LL BE ISSUED A TEMPORARY VISA AND SOCIAL SECURITY NUMBER AND SENT TO EGLIN AIR FORCE BASE TILL WE CAN FIGURE OUT WHAT TO DO WITH YOU...

drawing by Mike Peters

good. Some work for 50 cents an hour picking peaches in Georgia or $1.75 per hour attending a Los Angeles parking lot, then return to Mexico once they've made enough money to buy, say, a second-hand tractor. Others, like Israeli students who parlay jobs driving taxis into 60-hour work weeks running an auto repair shop, work so that they may return home for a visit in stylish clothes and laden with gifts. But when pressed by an unfriendly immigration official or others probing their motives, some Israelis suggest that they are emigrating because the government is ruining the economy by maintaining the occupation of the West Bank, to which they object. When pressed, well-heeled Latin Americans are wont to say that government corruption is setting the stage for a Castro-type revolution in their native countries and that the United States is the only safe place in a world on fire.

Iranians are another special case. Those in this country on tourist and student visas are now eligible for political refugee status. They are permitted to stay here only if they can prove that they are so closely identified with the shah's regime that their lives would be in danger if they returned home. Immigration officers are far from sympathetic, and the suggestion they—and others—make to Iranians (and sometimes to others) is that they shouldn't throw in the towel but return to fight the system. The suggestion is guaranteed to anger any foreigner. In any case, Iranians are reluctant to apply for political asylum for fear of reprisals against their families, and against their communities as well, if they belong to a minority. Their views on the relative merits of the former and the present regime may vary from one day to the next and according to the person asking them. Nor are they above play-acting and double-dealing. If they have money, they prefer to spend it on lawyers and bribes. Iranians have been known to move into a $500,000 Beverly Hills mansion shortly after arriving in the US, continue the family business in the carpet trade, and neglect to extend their visas, confident that envelopes containing $5000 will overcome whatever obstacles they face here. They would rather risk being without valid visas than identify themselves as opponents of the new Iran and be reported by its agents who are said to be everywhere. They are all wary of the reality, proclaimed recently by Foreign Minister Sadegh Ghotbzadeh, that "martyrdom is the essence of the Iranian revolution."

Refugees from dictatorships believe that they are under constant surveillance. Rumors of mysterious disappearances and assassinations abound. But it takes Libyan death squads dispatched to London, Rome, and Athens, or the poisoning of Bulgarian exile leaders in Paris and London, to convince the incredulous citizenry of democracies that paranoid refugees do in fact have deadly enemies.

Despair or hope can drive exiles into liberation movements, and cultures in the Caribbean and the Balkan, in Eastern Europe and the Middle East, have a

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tradition of plotting revolution from abroad. The United States has not had a good track record in such projects, what with the Bay of Pigs invasion and, 10 years earlier, the landing of Albanian exiles betrayed by Kim Philby. But what the Russians contemptuously call "adventurism" could spread if Jimmy Carter is defeated, and Ronald Reagan may follow up on his campaign promise and take a leaf from the Chinese, who are training Afghan rebels, or from the Libyans, who are willing to finance any group interested in destabilizing enemies near and far.

These days it seems as if governments right and left were conspiring to dump their problem citizens on the United States, punishing the country responsible for rising expectations throughout the world and self-righteously lobbying for human rights in other lands. In Mexico, officials charge that the United States lures and exploits Mexican labor, and refuse to do anything to stanch the flow. Other Latin American governments sympathize with Mexico, and they too dismiss illegal border crossings as a US problem. In Cuba, Castro is doing impulsively and dramatically what the Soviet Union and the majority of the people's democracies have been doing on a smaller scale for the past several years: expelling critics, or encouraging them to apply for emigration passports, instead of killing them or holding on to them in jails and labor camps as Stalin used to do. As the secret police apparatus takes advantage of the US congressional demand for free emigration and gets rid of dissidents, the distinction between emigration and deportation is blurred. In Eastern Europe, the bureaucracy would be concerned about the disorder following the public expulsion of large numbers of people. But to Castro—as to the Vietnamese and to their Cambodian clients—the temptation was irresistible: why shouldn't he let his enemies become a US problem and hold the United States hostage to the highfalutin ideas inscribed on the Statue of Liberty?

The American problem is that foreigners and foreign causes are now unpopular. Americans tend to feel that the time is past for large-scale immigration, and they are worried about the short- and long-term effects of foreign subcultures taking root in the United States.

There are apprehensions even among those who welcome newcomers. A retired foreign service officer who argues for admitting a much larger number of Southeast Asians remembers his frustration at not being able to issue more than a few hundred US immigration visas to Chinese and others stranded in Shanghai just before the communist takeover there. He cautions now against the tide of Latin American immigration, and is concerned with the social and political consequences of large Hispanic communities emerging as the dominant force in the southwest United States and the number-one minority in the country as a whole. Others object to Orientals as too alien and too numerous, and argue for Latin immigration, citing the need for filling menial jobs that otherwise would go begging and praising the culture Latins bring with them.

The fear shared by a large number of Americans is that rescuing Asians or Latin Americans is an endless process, and that there are other pressing problems with stronger claims on our increasingly limited resources.

The fact is that there never was a suitable time for masses of refugees knocking on American doors. Since the 1840s, American have claimed that the pie has been getting smaller, and fears always have been strong that the wretched refuse of alien shores would take jobs away from Americans. No exodus has been orderly, and refugees invariably include in their ranks too many unskilled laborers and potential unemployables, those without English or culture, and others with police or medical records. From the time the Irish and the Italians began to enter in the hundreds of thousands, refugees have threatened the homogeneity of American society, and in the 1920s the fear of unassimilable aliens flooding the country led to legislation severely limiting the influx of Jews and others from Eastern Europe.

In the 1930s and 1940s, the intellectual and financial elite escaped Hitler by emigrating to this country. In the 1950s, East Europeans risking their lives to cross the Iron Curtain had to have state secrets, close relatives, or a sought-after profession to be admitted to the United States. Looking back, most Americans would agree that the country would have benefited from permitting more of those refugees to settle here.

In 1975, when the battle for Saigon sent thousands of Vietnamese to climb aboard boats and helicopters evacuating US personnel, there was strong opposition to letting them enter this country. Weren't they responsible for the way they talked the United States into fighting and weren't they corrupt officials and black marketeers, bar girls and secret police types? Despite protests from both opponents and proponents of the war, some 150,000 Vietnamese were admitted as permanent residents. They didn't become a burden; they have worked as hard as previous waves of Orientals.

In the late 1970s, the appearance of Vietnamese fleeing—and later deported—in boats wandering from one hostile port to another stirred a different memory, and there has been a general readiness to admit them as immigrants or help them resettle elsewhere. At about the same time, the problem of illegal aliens—mostly Mexicans—has occasioned widespread alarm. Raids in restaurants and at soccer matches netted hundreds of illegals, more than expected, and their estimated number has been adjusted upward, with five million being a conservative figure. Labor leaders have suggested that unemployment could be cut in half if the illegals were to be sent home; civil rights advocates have protested the hunting down of illegal aliens as well as the low wages and high rents they are forced to accept. That the law has been disregarded because of

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lack of funds or lack of will or both disturbed still others.

The unpleasant fact is that if we somehow managed to get rid of all illegal aliens without a nationwide house-to-house search, suddenly there would be hundreds of thousands if not millions of dead-end jobs that few Americans would be prepared to fill. It may be that there are slots in the American economy—as in the most sophisticated West European economies—that require underpaid workers from less developed economies. And as long as great differences persist between rich and poor nations, there will be an influx of foreigners for whom it is a step up to be employed at all.

Perhaps some flauting of the law is inevitable in the American system of social mobility and rapid change; a bit of the old frontier survives where the newcomer pits his strongly-felt need against the established way of doing things.

"But why do they keep coming here?" we ask ourselves, fearful that the whole world will appear at our doorstep and surprised that foreigners should want to live in this country of faltering leadership, racial tensions, and runaway inflation. It says something about our national mood that we are made uneasy by this vote of confidence in America—a vote that amounts to a worldwide plebiscite.

What the refugee knows is that the United States is still the best place to start a new life and that no other country is as open to his strangeness. Even in France, billed as the homeland of liberty and equality, public consciousness registered one of the best post-World War II prime ministers, Pierre Mendes-France, as "a French Jew of Portuguese origin," a reference to ancestors whose immigration had taken place five centuries earlier.

Our uneasiness with the current wave of newcomers reflects our uncertainty. Have we reached the point of losing those qualities that made this country different from Old World nations? Whether one considers the productivity of the American worker, the passivity in face of the energy crisis, or the choice the electorate is likely to have this November, America looks like a declining civilization. At a recent briefing session, a White House spokesman was asked about the drop in the number of patents granted to Americans. "It is because we have already invented virtually everything we need," came the smug response. In the State Department, at a recent seminar on US foreign policy, officials in charge of various regions and problems kept warning about the complexity of issues and recommended caution in dealing with each one of them.

But to be American is to be rashly innovative and to refuse to defer to complexity. We need the refugees' vigor and ambition. They remind us, those who are no longer refugees, that restlessness is valuable human capital and that the US is still the frontier of possibilities.

Charles Fenyvesi

Charles Fenyvesi came to the United States as a refugee in 1956 and is author of *Splendor in Exile* (New Republic Books.)

Litigation doesn't work. How about socialism?

Fate and Lawsuits

by Michael Kinsley

In 1937 a British scientist developed an inexpensive chemical substitute for the female sex hormone, estrogen. This was a great medical breakthrough. In 1947, the Food and Drug Administration approved diethylstilbestrol (DES) as a treatment to prevent miscarriages, thought to be caused by hormone deficiencies. During the next 24 years, more than a million pregnant American women took DES on prescriptions from their doctors. In 1971 a Harvard scientist reported a link between mothers who had taken DES during pregnancy and a rare type of vaginal cancer years later in their daughters. The FDA withdrew its approval of DES for problem pregnancies. Shortly afterward, the lawsuits began.

DES, it turns out, causes cancer in about one out of a thousand "DES daughters" in their teens or early 20s. Some have died. When the cancer is caught in time, the usual treatment includes a hysterectomy and removal of the vagina. As many as 90 percent of DES daughters have adenosis, a minor abnormality of the vagina. There is no evidence so far that adenosis is harmful or precancerous, but women who have it are advised to get a special examination every few months. DES daughters have a higher-than-average rate of miscarriages, but this may be genetic, since pregnancy problems are what led their mothers to take DES in the

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first place. DES is now thought to have been worthless in preventing miscarriages, though that, like everything else about DES, is disputed.

More than 1000 lawyers are involved in litigation over DES, according to Connie Bruck in the *American Lawyer* magazine. Most of the lawsuits involve DES daughters suing the companies that manufactured the drug. There are 95 lawyers representing the drug companies. Eli Lilly, the company with the most suits against it, has teams of defense lawyers dotted around the country. There are hundreds of attorneys representing DES daughters. The main function of most of them is to refer clients to one of several attorneys specializing in DES litigation. The original attorney shares the suit and the fee. Larry Charfoos of Detroit, leader of the DES specialists, has about 400 cases and is co-counsel in lawsuits in 30 different states.

The drug companies are scared to death. Lilly's total sales of DES from 1947 to 1971 were $2.5 million. It already has spent many times that amount in legal expenses. Even $10,000 for each adenosis case could add up to billions, and Charfoos claims there already have been some adenosis settlements "in the $30,000 to $50,000 range." He says that recent reports about fertility problems will raise the price of adenosis settlements. No adenosis cases have come to trial yet. In the two cancer cases so far, both last year, juries awarded the victims $500,000 and $800,000. Until then, cancer settlements had been in the $150,000 to $250,000 range. Now they will be higher.

Joyce Bichler's case is typical. In July 1953 her pregnant mother began to bleed and cramp. The doctor prescribed DES, which she took for less than 12 days. Joyce was born with no apparent problems in January 1954. In the fall of 1971 her cancer was diagnosed and she underwent a hysterectomy and vaginectomy. In 1974 she sued Eli Lilly. The trial began May 19, 1979, and ended July 16. The jury awarded Bichler $500,000. Lilly's appeal has just begun.

Five hundred thousand dollars is not an absurd excess of compensation for the loss of all of a woman's reproductive organs at age 17, for the pain and suffering she has undergone, for the emotional strain and loss for the rest of her life, and for her medical bills. No one sensible would trade the experience for $500,000 if she had the choice. But almost everything else about the DES litigation is absurd. As an illustration of the law at work, it is a farce. As a way of dealing with the risks of living in a complex and scientifically advanced society, it is inept. As an exercise in doing justice, it is an evasion.

For example, if $500,000 was just compensation for what Joyce Bichler has suffered because her mother took DES, is the $800,000 that Anne Needham got from another jury for the same tragedy more just or less just? How about the $260,000 Cindy Dettelbach settled for last month, before her case went to trial? "That's the nature of our business," Larry Charfoos says cheerfully. "Cancer might have a very different price in a small town in Iowa than in Manhattan, New York City."

Of course Joyce Bichler won't get $500,000. Her lawyer will get a percentage of it as his "contingency fee." The usual fee for plaintiff's personal injury lawyers is one-third of any recovery, plus expenses. And the Bichler judgment will cost Lilly a lot more than $500,000 because it has lawyers too. Top corporate litigators charge by the hour—$150 an hour or more, and as much as $400 an hour for time spent in court. Lilly had three lawyers on the Bichler case, and the trial lasted two months. Before that came five years of research, depositions, preparing witnesses, and so on. Now comes the appeal. Transcripts of trials and depositions, at two dollars a page, can cost $15,000 for a several-week trial. Big-time experts can get $1000 a day for their testimony, which often takes several days. In preparing a case like this, lawyers criss-cross the country, often in twos and threes, flying first class and running up hotel and restaurant bills, all of which the client pays for. In the DES litigation, according to Bruck in the *American Lawyer*, all the drug company defense lawyers meet periodically for massive strategy sessions at resort hotels. Charfoos told Bruck that 20 lawyers from other drug companies sat in the audience throughout his DES trial against one of them in Chicago last year, just to watch. All that is what lawyers call "billable time."

A 1977 government study of product liability concluded that each dollar paid to plaintiffs costs defendants another 42 cents in expenses, almost all for lawyers, and that about 35 cents of the plaintiff's dollar goes to lawyers too. This means that on the average it takes 77 cents in legal costs to deliver 65 cents to the victim, not even counting the cost to the government of running the show or the time contributed by people drafted for jury duty. Clearly it will cost more than a million dollars to get Joyce Bichler about $300,000. And like a traveling road show, the same lawyers and the same hired experts will litigate the same issues at equivalent cost dozens, or even hundreds, of times around the country before the DES saga is over. The victims will get thousands; the lawyers will get millions.

The doctrines of tort law were devised for straightforward moral situations—somebody's misbehavior causes harm to somebody else—and for narratives that observe the three unities of classical drama: time, place, and action. It takes heroics of legal sophistry and that deus ex machina known as the jury to apply tort law where a company makes a pill and 20 years later someone who wasn't even born yet faces an increased risk of cancer. For example, in half the DES cases, no one remembers which company's pills the victim's mother took. About 150 different companies made DES during the early 1950s. Ordinarily they all would be off the hook whenever the other side couldn't prove which one made a particular mother's pills. Joyce Bichler's

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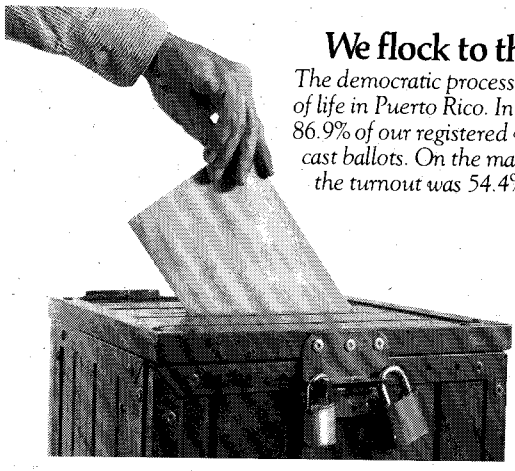

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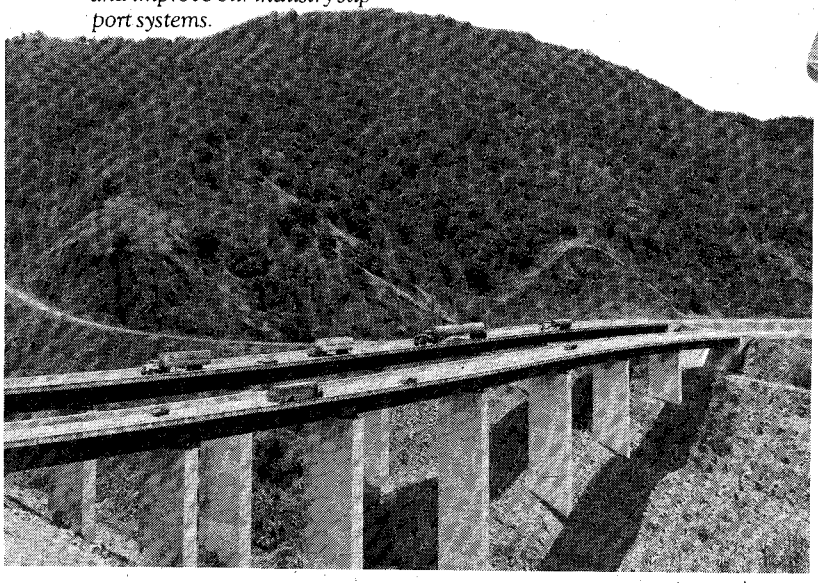
18-wheelers can reach any seaport within 2 hours. This year we'll spend $274.8 million to expand and improve our industry support systems.



We're Americans in our own special ways. We're proud of our heritage, just like other Americans are proud of theirs. Iowans are different from New Yorkers. Puerto Rico's 3.3 million American citizens are different from Ohio's 10.7 million. That's what America's all about. Differences. And similar

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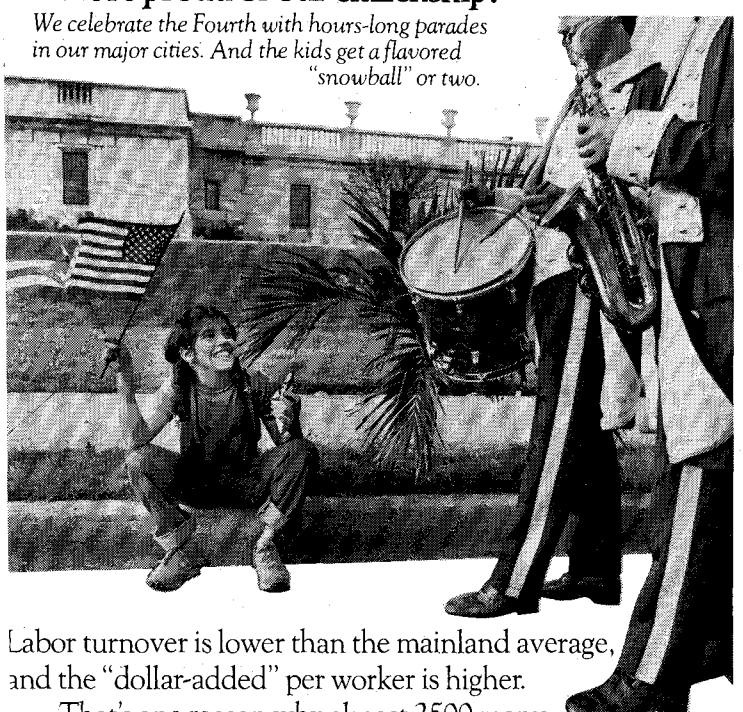
We celebrate the Fourth with hours-long parades in our major cities. And the kids get a flavored "snowball" or two.



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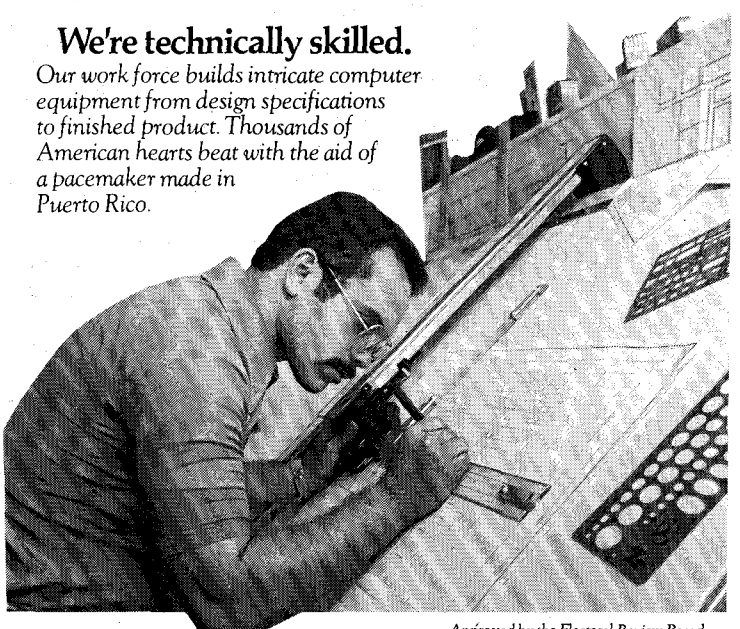
Our work force builds intricate computer equipment from design specifications to finished product. Thousands of American hearts beat with the aid of a pacemaker made in Puerto Rico.



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lawyer, like many others facing this dilemma, chose to sue Eli Lilly, since Lilly apparently produced more DES than anyone else. One jury concluded that the lawyer hadn't proved Lilly made Mrs. Bichler's pill (how could he?), then a second jury ordered Lilly to pay $500,000 anyway, on the theory that all the companies competing to sell DES actually were acting "in concert," and therefore all are individually liable for the harm caused by any DES pill. The California Supreme Court has taken a different tack. That court ruled in March that when the manufacturer is unknown, it is up to the drug company to prove that it *didn't* make a particular DES pill, which of course is impossible.

Two-thirds of the 400 young women known to have developed this very rare form of cancer are DES daughters. But 999 out of 1000 DES daughters don't get this cancer, and some who get this cancer aren't DES daughters. Joyce Bichler's father had recurring cancers that led to removal of most of his prostate and part of his colon. Statistics reveal a strong genetic element in cancer too. Who's to say that DES caused the cancer in any particular case? The law is indifferent to any sufferer whose cancer was not caused by DES, thus placing great moral and financial weight on a distinction that science cannot make. The law solves this problem by letting the jury decide.

Very few of the plaintiffs in these DES lawsuits have cancer. Most have adenosis, apparently a benign condition. Some have no physical problem at all. To win a lawsuit, you must establish that you've suffered some harm. DES daughters do have to get regular check-ups, but the cost of these is not enough to interest the personal injury bar. So in the non-cancer cases, the lawyers are asking courts to find that "fear and anxiety," or the increased *risk* of getting cancer, are themselves harms. Charfoos is asking two million dollars each, but has suggested that he would settle 80 of the non-cancer cases *en masse* for a total of three or four million dollars.

The biggest challenge for the plaintiffs' lawyers is establishing that the drug companies did anything wrong. They produced a drug that they sincerely believed would help pregnant women avoid miscarriages. It was thoroughly tested by the standards of that time, and approved by the FDA. The damage took two decades to show up. Until the thalidomide disaster in 1962, there was no known case of a pregnancy drug causing deformities in the offspring, and the discovery of the DES link in 1971 was the first evidence that any pregnancy drug could cause cancer in the offspring. Nevertheless, the plaintiffs' lawyers argue that the drug companies should have foreseen that DES might cause cancer years later in daughters of pregnant women who took it, and therefore shouldn't have marketed it for miscarriages.

Sometimes the law helps plaintiffs to avoid this problem by holding manufacturers "strictly liable" for defects in their products, whether or not they were negligent. The reasoning is straightforward. As the chief justice of California put it in March, "From a broader policy standpoint, defendants are better able to bear the cost. . . ." By making producers liable whether or not they've done anything wrong, "the risk of injury can be insured by the manufacturer and distributed among the public as a cost of doing business." Whether the doctrine of "strict liability" applies to DES is a constantly litigated question.

After all the legal and factual issues have been spun out for a couple of months, they are turned over to the jury, which has been chosen for its previous ignorance of both. The jury is told the law and is supposed to apply it to the facts. The Bichler jury was told to answer a long series of questions such as whether DES caused Joyce Bichler's cancer, whether a reasonably prudent drug manufacturer in 1953 would have tested DES on pregnant mice, what such a test would have revealed, whether the drug companies acted "in concert," and so on. It was told various rules of evidence, such as "prior statements are not legal proof of the facts stated therein." It was asked to compute the exact dollar value of Joyce Bichler's troubles, based on how long it predicted she would live. The jurors were expected to ignore irrelevant matters such as Lilly's size and wealth, which the plaintiff's lawyer referred to frequently, but only (of course) in reference to a minor issue in the trial. Jurors were told about Ms. Bichler's medical bills, but not about her legal bills. The law, for its own reasons, assumes that plaintiffs don't have to pay their lawyers, which they do, and that they do have to pay their doctors, which very often (if they're insured) they don't. Five days of deliberations produced the figure of $500,000.

The hundreds of suits over DES are the law's ham-handed way of dealing with two tricky questions: What risks are worth taking in an uncertain world? And who should bear the loss when the risks turn out badly? In dealing with both these questions, the law tends to overlook the fact that taking risks brings benefits as well as harms. For example, a DES class action filed recently in Maryland asks the court to rule "that, if without DES a class member would not have been born, she may, under Maryland law, maintain an action for injury from exposure to DES." The law, by its nature, abhors a loss more than it values a gain. Therefore the law discourages taking risks whenever hopes of benefit must be weighed against unknown dangers of loss. This is exactly the situation created by scientific advances such as new drugs.

Whether or not the drug companies were careless about DES, no degree of care will prevent occasional disasters of this sort. Under present arrangements, any such disaster will produce many lawsuits. And no matter how exquisitely the legal doctrines about "fault" and "unavoidably unsafe products" are refined, the enormous costs of defending these suits and the natural sympathies of juries assure that drug companies will pay heavily for all their disasters. The

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potential human cost of failure, however blameless, thus enters their calculations of whether it is worth marketing a new drug. This sounds fair enough, if you forget about the lawyers' costs for a moment. But the law does not help the companies to absorb all the benefits of health and happiness that come when one of their drugs works well. All they get in that case is the price of the pill. So the law works as an influence not against irresponsible risks, but against any risks at all.

There is a gruesome futility about the law's loathing of risks, its celebration of hindsight. Right after the DES-cancer link was discovered in 1971, some DES daughters with adenosis submitted to partial vaginectomies to avoid getting cancer. This is now regarded as unnecessary, because adenosis does not seem to lead to cancer, but the victims are suing the drug companies over this loss even while other DES daughters are suing over the fear that adenosis might lead to cancer after all. The doctors who had to decide, in the early days, whether to operate for adenosis may well have been influenced by fear of lawsuits if they failed to operate and cancer did develop. Some of the most important evidence about the effects of DES comes from a controlled experiment at the University of Chicago in the early 1950s. Three of the women involved in this experiment are now suing the university for having put them at this risk. The university and others will be more careful in the future, thus increasing the risk that new cancer sources will go undetected. Meanwhile the fear of lawsuits is making doctors and hospitals reluctant to help track down DES daughters, thus increasing the risk that some of them will get cancer that isn't caught in time.

Science makes trouble by presenting us with apparent boons that have unpredictable consequences. That is what Dr. Dodds did at Oxford in 1937. But science also makes trouble by discovering causes and connections that formerly were thought of as just fate. That was what Dr. Herbst did at Harvard in 1971. For most of its victims, cancer remains just fate. But all cancers are caused by something. Is it any less fate to get cancer just because the cause becomes known? The extravaganzas of recrimination staged by our legal system on such occasions help to avoid facing up to the fate problem directly. Sometimes the recrimination is justified. Yet the technical somersaults the law undergoes to assure that the victims can recover suggest that fate itself is what's really bothering us. There's nothing to be ashamed of in this. In fact the insistence on finding human responsibility, so that fate can be exonerated, before the victim will be given alms, is an illogical and expensive conceit.

Advanced legal thinkers accept this reasoning, up to a point. They see products liability litigation as a social insurance program. Even if no one's at fault, manufacturers should absorb the cost to the unlucky few and share it among the lucky many who use their products without harm. Seen this way, litigation makes sense only to lawyers and judges. The costs that get spread around to the lucky many are far greater than what reaches the unlucky few after the lawyers are done. The amounts the victims receive vary arbitrarily over a wide range, and the process of getting any money to them takes years.

Some legal thinkers even acknowledge this and go one step further. By analogy to no-fault auto insurance, they propose a no-fault products liability system. A government program would pay set amounts of compensation to victims of defective products, and collect a small tax on all products covered by the program to pay the cost. This would spread the risk equitably while avoiding expensive litigation, in theory.

But even this lawyer's version of justice seems cramped. The logic of socializing risks is a slippery slope. If no one is at fault, why socialize the cost of getting cancer from DES and not the cost of getting cancer from sources unknown? Why not socialize the cost of being handicapped, or even of being poor? That is to say, why not socialism? Socialism, in this sense, doesn't refer to public ownership of the means of production. It merely means an underlying assumption that there is no moral basis to fate as nature dishes it out.

Under the influence of lawyers, society goes to great lengths and costs to undo the workings of fate in specific transactions, while ignoring workings of fate in the general injustices of life. Someone who gets cancer because of DES will be reimbursed (minus lawyers' bills) for her physical pain and suffering, her mental anguish, her reduced sexual satisfaction. Others will get thousands of dollars for benign physical defects, or for the fear that they might get cancer. Meanwhile someone who gets cancer for no apparent reason can't even get her medical bills paid for. And what about someone who has to spend her life mopping other people's floors, or who can't get a job at all? That is a misfortune, too, but no one is proposing a "no-fault" compensation program for her.

There are limits, of course. Should we compensate people for being ugly? Should we spread the risk of being slothful? Should we insure against being unhappy in love? Probably not. Fate is too capricious and imaginative for any society, no matter how generous, to make up for the ways fate can find to make people miserable. Furthermore our own society believes, correctly, that a market economy works best for everyone involved, and such an economy requires a dose of inequality and risk in order to work at all. But *how much* inequality and risk such an economy requires should be a more pressing question than it is.

A society that doesn't guarantee quality health care, a satisfying job, and a decent minimum income to all its members is kidding itself to suppose that justice is satisfied, or even served, by devoting billions of dollars to lawsuits over specific misfortunes. Ritual triumphs over fate in ceremonies of litigation make it easier to ignore fate's own triumphs in everyday life.

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Books and the Arts

Stanley Kauffmann on films

The Dulling

Stanley Kubrick's horror film *The Shining* has two good shots in it, and he spoils them both. Before the credits, a helicopter shot follows a speeding car on a mountain road. Suddenly the camera stops tracking the car and flies out over the landscape. Thus we're told that this isn't a conventional shot in which the camera is supposed to be "invisible" and the emphasis is on the car. Here the emphasis is on the camera, the watcher, a presence of some sort in itself that can follow the car or not as it chooses. But his good effect is marred because in the preceding shot, the first of the film, that helicoptered camera sped over a mountain lake (while *Dies Irae* thundered on the sound track). By the time we get to the car shot, the camera's independence is already debased into trickery. If the car tracking-and-departure had opened the film, it would have been eerie.

Later there's a shot of Shelley Duvall snooping around the writing table of her author-husband Jack Nicholson to see what he's been working on for weeks. The camera is behind the table, low, and her head comes into view over the top of the typewriter. It's not only a new angle on a commonplace action, it heightens the sense of illicit peering. Then this feeling of scared intrusion into her husband's madness—the evidence is in the machine and in finished pages—is blown away when Kubrick shoots Nicholson's discovery of her intrusion with Nicholson in the foreground, watching her in the background. Because we see him seeing her, we're not scared when he speaks. If the camera had been on Duvall and his voice had cut in, Kubrick would have peaked the suspense that the opening shot of the sequence had begun.

Nothing else in the picture's cinematics is good enough even to be spoiled. This fact is the biggest among the many disappointments. At Kubrick's most torpidly inbred in the past, the inbreeding has at least consisted of bravura visual work. In *The Shining* there's nothing but strain, most of it platitudinous. A lot of furious traveling shots, following people down corridors, telegraphing that surprises await them around the corner—though sometimes there's no surprise and the traveling is a telegram undelivered. A lot of fast zooms to and out from something purportedly frightening, though this is the most common and mechanical of dodges. And once Kubrick uses it utterly stupidly. We have seen a man murdered, we know he's dead, but when someone else discovers him, Kubrick zooms to and out from the body, which is no news to us, when he ought to have played the discoverer's face. Kubrick doesn't have much sense of shock—what is new to *us* at the moment and how to handle it. It's a sense that Hitchcock, whatever his other failings, had tuned to a fine edge, the shooting and editing of surprise. Kubrick hasn't a clue.

The impreciseness of the filming reflects the random thrill-grabbing of the script. It comes from a best seller by Stephen King, adapted by Kubrick and Diane Johnson. I haven't read the novel and don't know whether the TV banality of the dialogue—or the ritual sprinkling of gratuitous profanity—is King's or K-and-J's. It's about a writer, with a wife and small son, who gets the job of caretaker at an immense Rocky Mountain summer hotel that's closed down for the long winter. (The hotel reminded me of the great lodge at Jackson Hole, Wyoming. The basic situation reminded me of *Seven Keys to Baldpate*.) Ten years earlier a man in the same job had gone crazy during the long snowbound isolation, had murdered his wife and two little daughters and himself. When we hear this story at the start ("I think you can appreciate that I had to tell you this," says the manager to Nicholson but really to us), any surprise in the film is pretty well smothered right off. But that information isn't planted any more heavily than: the huge hedgerow maze on the hotel grounds; the large, well-bolted food locker; the racks of butcher knives on the kitchen wall; the forbidden Room 237; or the fact that Nicholson's little son has an imaginary pal who speaks to him in a different voice that comes out of the boy's own mouth. (By the way, no one says anything about the boy's schooling during the five or six months he's going to be in the hotel.)

All of this—the laborious filmmaking and story structure and dialogue—might be endured, might even be surmounted, if the script made some ground rules for itself and followed them. One of the reasons why *The Exorcist* scared me was that it defined its territory and governance and stuck to them: the power of Phenomenon X or Y did not vary from scene to scene. The worst, least effective way to make a horror film—or fantasy or science fiction—is just to slap on effects as they occur to you. If the writers seize anything that may scare, without internally consistent sense, we know we're being held up for random punches, which is tedious.

The Shining is a grab bag of spook stuff, with no rhyme or reason of its own. For instance, it's carefully set up at the start as the story of a hotel haunted by the ghosts of a prior caretaker and family. Then who is the beautiful young woman

Films Worth Seeing

Fame. New York's High School of Performing Arts. Dull in the plot, dynamite in the performing.

Kramer vs. Kramer. Contemporary US film acting at its best. Contemporary US script writing at its middlebrow soggiest.

My Brilliant Career. A turn-of-the-century Australian girl getting out from down under. Spirit, charm, strength.

Norma Rae. Sally Field is fine as a fighting proletarian today. New wine in old battles.

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in the bathtub? Who is the old woman she turns into? Who are the skeletons in the cobwebbed ballroom? If a ghost could let Nicholson out of a well-locked room, why couldn't the same ghost have opened two much thinner, simply locked doors that he has to chop his way through with an axe? If, as his wife discovers, he has typed several hundred pages of drivel, when did he go crazy? If he was crazy when he arrived—which he would need to have been because that insane typing must have begun many weeks before—then what's the point of the story? And there's a closing touch, a close-up of a photograph that's been hanging on the wall all the while (a reminder of the end of Polanski's *Repulsion*), which is supposed to give us a final chill but which is only a last desperate grab at *frisson* that makes further hash of the story.

There's one more lack, fundamental, in the script. *The Exorcist* gave reasons, in its own terms, for its evil. *The Shining* has nothing but "motiveless malignity." (Thank you, Coleridge.) The one vague theme is facile: death is awful, the dead are jealous of the living and want to kill them. That's the basis of most summer-camp bunkhouse ghost stories and it's pretty feeble by now.

Kubrick scents this, I think, or else he wouldn't sweat so much. From the outset, under the shots of gorgeous mountain scenery and the bland scenes in offices and homes, music howls and screeches on the sound track. All I could think was that, if only Nicholson and family could hear the music that was accompanying their talk, they wouldn't go up to the hotel. How hammy that use of music is. But then virtually every device in *The Shining* is the multi-million-dollar enlargement of the vocabulary of creaky old B horror films.

The one good performance is from the boy, Danny Lloyd; Kubrick's best accomplishment in the film is his work with the child. He had less luck with Shelley Duvall, who is scrawnier than Marisa Berenson of Kubrick's last film *Barry Lyndon* and not much more of an actress. Admittedly, Duvall has to spend a lot of her time in that ineluctable cliché of horror films—staring at the camera wide-eyed and open-mouthed in fright. Still, Kubrick's casting and use of her is a reminder that, excepting *Lolita*, he hasn't had much interest in women or skill in handling them. In *Paths of Glory*, *Spartacus*, *Dr. Strangelove*, *2001*, *A Clockwork Orange*, and *Barry Lyndon*, women have been male appurtenances and adjuncts.

The disgrace among the actors is Jack Nicholson, just *because* he is so gifted. His eyebrow-arching, mouthy work here makes the late Bela Lugosi look conservative.

As for Kubrick himself, there's little left even to deplore. Since *Dr. Strangelove*, his work has seemed to me an abandonment of true cinematic imagination for preening photography, for hermetic exercises in the deployment of space and light, but I could manage to see why some serious people thought otherwise. Now, to choose to do *The Shining* at this stage of his career is not the exaltation of a genre that it's already being called, it's a confession of vacuity. One proof of this is that he has done it badly. The film's imaginative and syntactical shortcomings—many more than I've cited—are not academic: Kubrick hasn't flunked an abstract exam. He has flunked the elemental test for a horror film: *The Shining* doesn't scare. The only pang in it is that it's another step in Kubrick's descent.

John Canaday on art

Picasso: Success as Failure

Anyone who isn't getting just a little bit tired of Picasso at this moment has either limited access to the popular media or unlimited tolerance for repetition of an already familiar subject. His 1907 self-portrait from the National Gallery of Prague, relatively obscure only a few months ago, has become the logo of "Pablo Picasso: A Retrospective" at the Museum of Modern Art in New York, and now rivals "Whistler's Mother" and "Mona Lisa" as the worthy but overly persistent old friend we would most like to see less of for a while. No other art exhibition, ever, has had a comparable concentration of publicity in magazines and newspapers and on radio and TV except the King Tut show two or three years ago, which, as does the Picasso show, depended for its popular appeal less on the quality of the art exhibited than on the personality of the protagonist. As a legendary personality Picasso, who has been dead only seven years, may still run second to Tutankhamen, who had been dead more than 3000 when he was reborn with the opening of his tomb in 1922. But as an art exhibition Picasso's retrospective is several notches better than the pharaoh's, which, after all, was a small group of objects including only a couple of really major examples from a second-string period in the history of Egyptian art. The Picasso show is enormous and is studded with the key paintings, prints, and sculptures of a man who was indisputably a genius, even if in part a failed one, and who, for better or worse, has been the major influence on the complex and revolutionary art of the 20th century.

Everywhere the exhibition is called the biggest Picasso show ever assembled, which is true, or that ever will be assembled, which is presumptive. Nor is this *the* Picasso retrospective. It is (as the museum calls it) *a* Picasso retrospective. A definitive Picasso retrospective is an impossibility, but other excellent ones could be culled from the vast moraine of his work to give varying impressions not so much of his stature as his personality and his interrelationship with his time. Any retrospective would have to include half a dozen key works headed by "Les Demoiselles d'Avignon" and "Guernica," but around such nuclei another director—the most interesting one I can think of would be John Berger, the Marxist critic—could assemble a valid retrospective in contrast with the current one that would explore quite different aspects of the substance of Picasso's work and of a personality that, by fragmentary evidence, seems to have been secretive, alienated, perhaps tormented, certainly egocentric, exhibitionistic, arrogant, sometimes cruel, and consistently sex-obsessed—and by the inherent evidence of much of his art, also tender, exquisitely refined, and reflective.

What do we really know about Picasso? In his widely published photographic interviews he concentrated on three roles—the moody genius with burning black eyes (an image he was already cultivating in the 1907 self-portrait), the buffoon who might don a false nose to show that underneath it all

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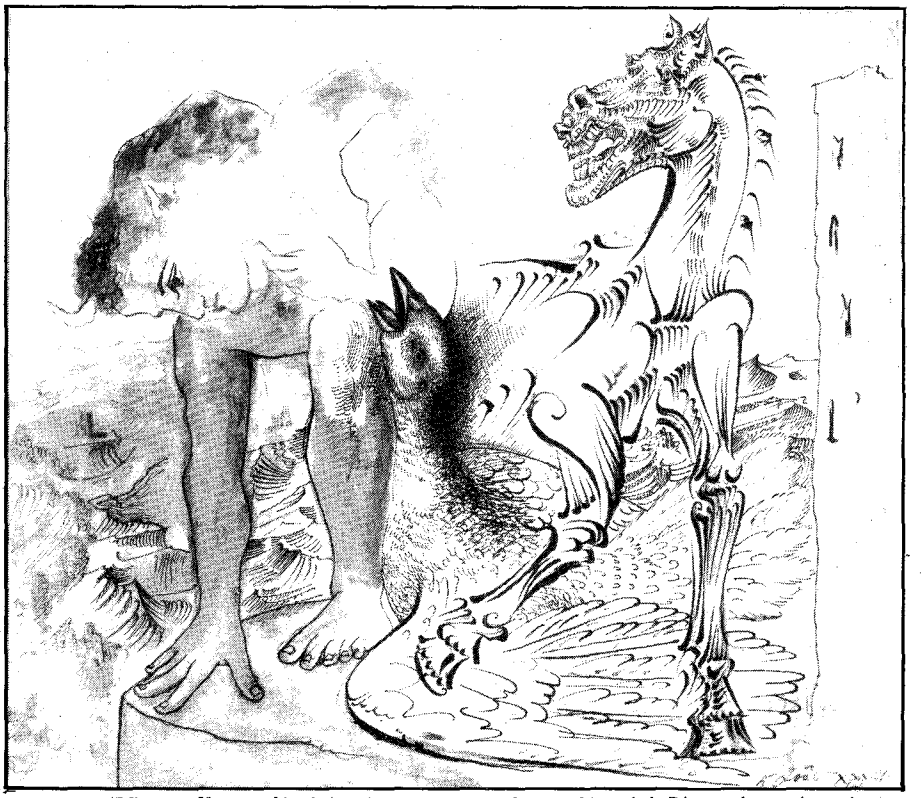
the genius was a lovable human being, and the thick-bodied old satyr with the deep chest and heavy legs whose wardrobe, in spite of his fortune, seemed to consist entirely of shorts.

None of these roles will do; they are protective shells rather than revelations of the phenomenon that was Picasso. Considering his refusal to explain his own work, and the paucity or superficiality of documents by his contemporaries relating to him and his work in any but anecdotal fashion, my guess is that from now on Picasso is going to offer richer territory for imaginative/analytical and critical/biographical studies and romanticized pseudo-biographies than any other artist since Michelangelo.

Even the most serious books among the hundreds about Picasso are flawed by awe of the subject. It was only with the publication of an exception, John Berger's *The Success and Failure of Picasso* in 1965—eight years before Picasso's death—that a sound, thoughtful, critical biography explored the interplay between Picasso and his century in terms other than the safe ones of precocity followed by early struggle followed by fame and fortune as the just rewards of a genius who defied convention. Berger on the contrary sees Picasso as a victim of capitalism, a genius indeed but one whose potential was diverted into the service of the effete and the wealthy. His alienation from society as an émigré from "feudal" Spain; his fascination with arts that were direct products of primitive societies; his search for some equally vital expression, ending only in the creation of a fashionable vogue for tribal art and his derivations from it—what with all this, plus his own and his patrons' conception of him as a genius on the 19th-century romantic model, Picasso can be said to have sunk into success. "Success" and "failure" become synonyms.

The Success and Failure of Picasso, a paperback now reissued by Pantheon at $4.95, has not only worn well over the past 15 years but has gained in pertinence. During the last eight years of his life that followed publication of the book, painting as if he were being dragged along by his speeding brush, a brush self-propelled in variations of old exercises, Picasso performed as if he were trying to give final confirmation to the book's major thesis, that his tragedy was that he ran out of subjects. This is the most important book on Picasso to date because it is the most stimulating to reevaluations, not only where you may agree with it but also on points you want to challenge. Even more than most criticism, Berger's must be read as a debate between author and reader. I disagree with his assessments of both "Les Demoiselles d'Avignon" and "Guernica," which I find respectively less and more impressive than he does, and I gave up trying to follow his ratiocinations about "the historical convergence which made cubism possible." But any reader must be very cold of heart not to agree with and be stirred by Berger's analysis, as compassionate as it is devastating, of a series of drawings of an old artist, an alluring young girl model, and a monkey, making up a witty and bitter allegory of the satyr in old age and the artist who, after a lifetime of success, recognizes his failure.



"Minotaur, Horse, and Bird" (1936). Documentation photographique de la Réunion des musées nationaux.

By indirection, the Museum of Modern Art's retrospective as assembled by William Rubin demonstrates the soundness of Berger's conclusions. Mr. Rubin has done a masterful job of installing nearly a thousand paintings, sculptures, drawings, prints, illustrated books, and ceramics in comprehensible order. But "comprehensible" no longer involves adjustment to the shock treatment that the museum spent its first 25 years administering to an American public that it regarded as aesthetically retarded. Devoid of surprise, much less of shock, the exhibition is more than anything else—elegant. In spite of the shifts in style, the about-faces from one period to the next, the brilliant invention everywhere, the moment of revolution signaled by "Les Demoiselles d'Avignon," the emotional introspection that runs as a kind of undertow from beginning to end, and the single explosion of true passion in "Guernica" interleaved with the symbolic sexual violence of the recurrent Minotaur theme—in spite of all this, the air of the exhibition overall is one of high style that teeters on the edge of chic. It is disturbing, too, to see how often and how early Picasso became an essentially eclectic artist, dependent on his own variegated past for material. These exercises are often of seductive beauty; my own choice for a door prize to take home and enjoy is one of them, a small composition in India ink, watercolor, and gouache from 1936 called "Minotaur, Horse, and Bird," with each of the three figures executed in a contrasting style and the Minotaur transformed from a symbol of violence to one of tenderness by the head of one of Picasso's gentle classical youths. The disparate parts are indissolubly emulsified in a tour de force of such

Coming:

Anne Tyler on

Maxine Hong Kingston.

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technical legerdemain, such grace—and such elegance—that there is no point in asking for anything more. In its own way this composition (which was in his personal collection at the time of his death; he had saved it for 37 years) is a miniature demonstration of the greater success and failure inadvertently demonstrated by the retrospective as a whole—an exhibition that should complete Picasso's conquest of the lay public but must raise some disturbing questions in the hearts of even his most fervent admirers among critics.

The museum's superb catalogue of the exhibition, including a great deal of additional material as well as the pictures withdrawn at the last moment by the Russians in political retaliation for our stand on Afghanistan, is an excellent substitute for a visit to the show for anyone unwilling to go through the necessary rigmarole of acquiring in advance a ticket stipulating a day and hour of entrance. Distributed by the New York Graphic Society, Boston, the book costs $45 in hard cover, $19.95 in soft, and is a bargain.

Conscience and Convenience: The Asylum and its Alternatives in Progressive America by David J. Rothman

(Little, Brown; $17.50)

In an age of political skepticism, philanthropy no longer commands automatic approval. Organized benevolence, it appears, may do more harm than good. Penitentiaries, mental hospitals, and other outposts of the therapeutic state have not lived up to their promise. As the cost of maintaining them mounts, the public looks more closely into their claims. Prisoners' revolts dramatize the failure of the penal system. Students of the asylum question the rehabilitative value of confinement; historians cast doubt on the motives of the reformers who designed the asylum in the first place. Most experts would agree now with the conclusion reached by David Rothman in his study of the progressive movement in penology, juvenile justice, and mental health: "Progressive measures . . . did not succeed in reforming the asylum."

Whether "we are now entering a post-Progressive period," as Rothman believes, depends in part on whether criticism of the asylum extends to other institutions and to our whole way of thinking about problems of social control, or whether it is merely absorbed into a never-ending search for solutions, programs, and policies administered by professional altruists. The statement that progressives failed invites other experts to succeed. The statement is subtly misleading in any case. The movement to reform prisons and other asylums "is not a recent phenomenon," as Michel Foucault writes in *Discipline and Punish*. "It does not even seem to have originated in a recognition of failure. Prison 'reform' is virtually contemporary with the prison itself: it constitutes, as it were, its programme."

Once imprisonment replaced corporal punishment as the ultimate social sanction, the technology of systematic surveillance—the basis of the prison system—became a subject of endless discussion, experimentation, and "reform." It gave rise to a science of "human relations," which sought to control people without physical coercion, to resocialize them into habits of cooperation and mutual respect, and to fit them into their proper social roles.

From the first, the prison and the insane asylum (like the school) were conceived as agencies of "classification." Their purpose was and still is to distinguish potentially useful members of society from incurables, to subject the former to therapeutic discipline, and to ascertain at what point and under what conditions they can be allowed to reenter society.

The American progressives around the turn of the century revived reforms already introduced during the Jacksonian period or instituted new measures the nature of which, however, was already implicit in the conception of the asylum as a social filter: probation, parole, the indeterminate sentence, the juvenile court, the attempt to fit the punishment to the criminal rather than to the crime. Progressives criticized the asylum on the grounds that it lumped together hardened criminals and youthful offenders, paid too little attention to individual needs and variations, tried to punish crime instead of preventing it, and served merely as a custodial institution instead of devoting itself to rehabilitation. But these criticisms merely echoed the ideas of the founders of asylums—ideas described by Rothman in his earlier book, *The Discovery of the Asylum*. The progressive critique in turn anticipated the arguments of present-day reformers like Rothman himself, who condemn the asylum because it is custodial rather than corrective.

Such charges accept the asylum on its own terms and merely criticize its failure to live up to its own ideals. Again and again Rothman—a progressive in spite of himself—calls attention to the "disparity between rhetoric and reality." His title contains his thesis: instead of serving the higher ends envisioned by progressive reformers ("conscience"), the asylum serves only the "convenience" of those charged with its day-by-day operations. In the daily routine, therapy gives way to the demands of discipline. Custody and rehabilitation, according to Rothman, have proved incompatible.

He thinks this idea penetrates, in a way that progressive ideas did not, to the heart of the problem. In fact, it implicitly accepts the entire progressive program. Rothman does not object to the premise that the penal system should serve as an instrument of "diagnosis"; he objects only to its failure to serve more effectively in this capacity. "Diagnosis simply did not lead to prescriptions for treatment." The progressives themselves made the same complaint. Indeed, Rothman's critique of the asylum draws on observations advanced many years ago by the very people who designed this institution, and who then claimed that asylums failed only because they were understaffed and overcrowded—because the public clamored for more punitive measures and refused to appropriate the necessary funds.

Under these conditions, according to reformers, the asylum degenerated into a place of detention or, worse, into a factory exploiting forced labor. The "work to be done, rather than the needs of the boys, were rated as of primary importance." Inmates refused to confide in prison psychologists. Educational programs fell into disuse. In short,

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"custody precluded treatment," in Rothman's words.

Institutions modeled on the school and the hospital did not become schools and hospitals in fact: this is the burden of the progressive critique of applied philanthropy, repeated in this book ostensibly critical of progressivism for its refusal "to reexamine first principles." Note the unexamined assumption that asylums would work better if they were run by doctors and educators. Rothman endorses the sarcastic comment of a reformatory superintendent who complained that after "the child has shown by her anti-social attitudes how much she is in need of more education, she is put in a training school where she will get less." Like the superintendent, Rothman takes it for granted that "anti-social attitudes" should be countered by "more education."

His criticism of the asylum remains uninformed by criticism of the school or the hospital. He does not see, for example, that the school itself has come to function as part of the machinery of social selection, screening people for their social roles, apportioning class privileges under the guise of academic merit, separating the educable from the hopeless cases. Like the asylum, the school and the hospital answer the needs of surveillance, the most important technique of social control in a society that defines social control not as the imposition of moral norms, patriotism, and respect for authority but as "adjustment to reality."

Rothman sees clearly enough—though intermittently—that progressive reforms in penology, such as probation, tended to increase the number of persons under state supervision. He sees also that these measures increased the discretionary powers of the state and undermined civil liberties. Thus "probation officers did not need warrants to enter a client's house; their right to search and to question was not restricted; indeed, clients typically could not even be represented by counsel in their dealings with probation departments." Having noted, however, that the probation system "expanded the scope of state action and state surveillance," he complains that too many judges confused probation with a "grant of leniency"; that the public, sharing this misconception, refused to appropriate the funds that would have equipped probation officers to deal with more serious cases; and that probation thus came to be directed to those offenders who least needed supervision. Rothman makes the same point about the asylum in general: it provides "rehabilitative" therapy for those who least need it—those who are "so open and receptive to treatment as to be almost already cured."

Here again the underlying concept of treatment remains unexamined, together with the role it plays in a system of therapeutic justice. Isn't it precisely the point of such a system that it makes an individual's rights depend on his willingness to cooperate with the "doctor"? Those who admit their need of "help" undergo rehabilitation, while those who stubbornly insist on their rights or lack the resources to deal with bureaucracy, to manipulate it to their advantage, and to secure a grant of conditional immunity suffer more drastic forms of correction. Rothman himself notes the "links between social standing and probation": the judge puts a middle-class offender on probation, while sending a lower-class offender to jail. "Once consideration shifted from the crime to the criminal, class distinctions came almost inevitably to assume new significance when punishments were meted out." In Rothman's eyes, such evidence confirms the failure of progressive reform. But this kind of "failure" is just what we should expect in a society that wants to ration class privileges (as Christopher Jencks has noted in connection with the schools) without doing so explicitly and without even admitting the existence of classes.

Instead of repeating the "monotonous critique of the prison," as Foucault calls it, Rothman would have done better to ask what social purpose is served by the "failure" of the asylum. Only by transforming the terms of debate can we explain why an institution that has consistently "failed," and whose failure has been criticized in the same words from the very beginning of its history, has nevertheless survived essentially unchanged for more than a century and a half. The purpose of the asylum is not to eliminate crime and insanity but to translate them into deviance, to detect and segregate irregularities and abnormalities, to control departures from a norm that is more statistical than moral. The corrective system brings under the protective custody of the state not only those whose liberty represents an active and immediate menace to their neighbors but all those misfits, noncomformists, and "antisocial" individuals who fail to submit to the demands of modern group living and who lack the wit or the resources to sublimate their rebellion into lawbreaking on a grand scale. By enforcing rules allegedly universal in their application, it keeps the lower orders in line while leaving plenty of room for high crimes and misdemeanors committed in the pursuit of corporate profit, presidential power, law enforcement, or national security.

These facts are no longer very new or surprising, except perhaps to professional reformers.

Christopher Lasch

Christopher Lasch is the author of *The Culture of Narcissism* (Norton).

Joshua Then and Now by Mordecai Richler

(Knopf; $11.95)

The first time Joshua Shapiro and his prospective father-in-law, Senator Stephen Andrew Hornby, meet, neither wastes time on preliminaries.

"As you know, I am opposed to this marriage," the senator said.

'Aha.'

'But if it lasts any longer than the other, which I strongly doubt, I will pay for the education of the children.'

'That's awfully white of you, Senator. But *I* will pay for the education of our children.'

'I would like them to go the proper schools.'

'Pauline and I will be the judge of what is proper.'

'The Hornbys have been educated at Bishop's for generations.'

'You're forgetting something, Senator. Our children will be called Shapiro.'

In this contentious encounter between Joshua and the senator you have the book's major themes in miniature: Jewish cheek pitted against Anglo-Canadian snobbery; the special asperity

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that passes between two cultures that recognize and fear in each other the stubbornness and drive that they cherish in themselves; and the refusal of the modern Jew, who is no longer deterred by pogroms and legal disabilities, to knuckle under.

> 'I did not come here to ask for a damn thing. Not for a blessing or for money for our children's education. I came as a courtesy.'
> 'But not necessarily to be courteous.'
> 'The Shapiros have not been going to Bishop's for generations, but we are not without our own family traditions.'
> 'Such as?'
> 'We do not take shit from anybody.'

Certainly not if Richler is writing the script. What is not yet apparent in this

photo of Mordecai Richler by Thomas Victor

fierce testing of wills is that it is the first step toward the eventual reconciliation of both men on grounds entirely congenial to both. Joshua's marriage to Pauline Hornby fulfills not only St. Urbain Street's dream of the mansions of Outremont, but also Anglo Canada's dream of the ghetto Jew. Joshua Shapiro—writer, television personality, and bootstrap genius, whose father is a prize fighter, a bootlegger, and enforcer for the mob—turns out to be his wife's most spectacular achievement. She is certain, as is he, that it is she who has married up, and though the senator doesn't come around quite to that view, he is certain, at any rate, that he has not fallen measurably in class.

As Richler portrays the social drama of Jewish enterprise and success, the Jew muscles in or marries in (the daughter being the soft spot in Anglo cultural armor) only to learn that, not only was it easy, but the conquered province is not so strange a place: its inner values—striving, achievement, competitive superiority—are much like his own, if not so desperately enacted, while its visible cultural practices—the golf, the drinking, the snobbery—are readily tolerated, even happily taken up. The meeting of Jew and WASP in marriage and business is the discovery, by one puritan culture gone soft, of another much like itself. (It is a curious footnote to Richler's continuing saga of Jewish arrival in Montreal society that Quebec's French-speaking majority plays no part in it except as a distant portent of trouble or as the butt of occasional racial jokes. Theirs was not the culture that Canadian Jews ever sought to emulate.)

Joshua Shapiro is another one of Richler's Jewish *arrivistes*, like Duddy Kravitz and Jerry "the Boy Wonder" Dingleman of *The Apprenticeship of Duddy Kravitz* and Jacob Hersh of *St. Urbain's Horseman*. A son of St. Urbain Street, he has a city boy's swagger that is bred in the bone. At the age of 47, he has made his mark as a writer, a social historian (his book, *The Volunteers*, is about the international brigades in the Spanish Civil War), a television personality, and a sports commentator. He comes on like a Canadian Howard Cosell, or, more precisely, like Reuben Shapiro, former lightweight champion of Canada, who once went eight rounds with Sammy Angott and, when his fighting days were finished, did odd jobs for the syndicate. Joshua's most vivid childhood memories of Reuben are of his leaving home in strange cars—by climbing into the trunk. Joshua may be a literary sort who mourns for Republican Spain in his spare time, but he is every inch Reuben's boy. "My father brought me up to believe I would only be making one trip round," he boasts. "So I want a good life available on terms that do not offend me. I also intend to enjoy myself." You won't find those sentiments in the Talmud, but they are no less Jewish for that.

As such unrelieved bragging suggests, Joshua is a fairly unpleasant fellow, and indeed, though his exploits are unfailingly vivid and engaging—even fun—they rarely elicit from us much enthusiasm for Joshua himself. He is as callow as he is clever, and, one suspects, Richler means him to be an anti-type, to stand against the more common brands of self-congratulation that are endemic to Jewish fiction. From Sholom

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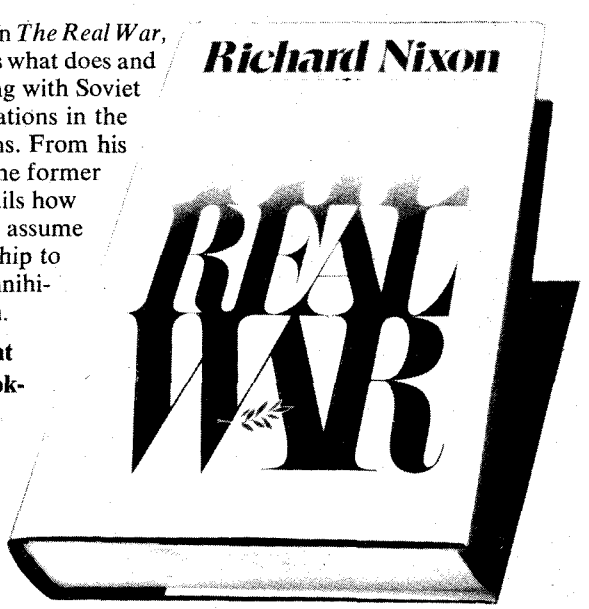

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Aleichem and his Tevye to Bellow and Malamud, with their Herzogs, Sammlers, Bobers, and Dubins, Jewish fiction has repeatedly thrown up figures of wisdom and endurance, observance and rectitude, who are always asking rigged questions like "How shall a good man live?" and showing, after a moment of dubious hesitation, that they knew, they knew, they knew all along. Richler, by contrast, adheres to a tradition of dissent that runs from Isaac Babel's Odessa stories through Daniel Fuchs's *Williamsburg Trilogy* and Budd Schulberg's *What Makes Sammy Run?*, which finds more color, more life, and more fidelity to the facts of Jewish existence in the demimonde of hustlers, heavies, strong-arm types, and men on the make than in the heroes of *menshlichkeit*. This countermyth should not be mistaken for Jewish "self-hatred" or embarrassment, for it is a self-regard of a different sort, in which vigor and tenacity are celebrated instead of saintliness. Richler's affection for these quarrelsome, grasping Jews is genuine, and if he fails at last to make his Joshua an appealing figure, we should not conclude that he loves him any the less. And yet, for all the attention lavished on him, Joshua never comes to life as a person, and remains throughout a cultural attitude: a hunger, a rhythm, an accelerated pace, a violence of mind.

If I've slighted Richler's plot, it is not because Joshua's story lacks interest, but because the episodic march of his adventures never amounts to a destiny. Things happen to him because Richler wants them to, rather than because they have to. However, because Richler has a wild imagination, Joshua's life is eventful in a bizarre sort of way. His mother spices up his Bar Mitzvah with a strip tease for the boys; his father instructs him in sex and the rudiments of Torah, sometimes in the same sentence; he travels to Ibiza, where he is humiliated by a German doctor; he lives in London where he meets and runs off with Pauline; he burglarizes the home of his Outremont neighbors as a practical joke; his "homosexual" correspondence with the English writer, Sidney Murdoch, is discovered and published; he is badly injured in a car crash while escaping from one of his burglaries. . . . I'm just scratching the surface.

But all this frenetic activity takes a back seat to the drama, now become the comedy, of race and class that so possesses Richler, and to the intricate harmonics of his voice, which simply overpower his narrative. This voice is the demiurge of Richler's writing, a supersonic machine that propels him forward from one episode to the next, turning everything it touches into anecdote and comedy:

> The Ritz had fallen on such hard times that it now admitted visiting hockey players to its gilt bedrooms—even the players from expansion teams. The Café de Paris, the Maritime Bar, would never be the same. This winter, the sweetly scented ladies in their mink wraps and the gentlemen in their beaver coats, drifting in after a hockey game, were obliged to actually mingle with the players. Youngsters with angry boils on their necks, only a season out of northern mining towns, whooping it up at the bar, attended by groupies reeking of cheap perfume. Taut-sweatered girls who favored bikini panties, DYNAMITE embossed on the crotch. O God, Joshua thought, where once only the very best Westmount had to offer met for discreet assignations, now one groupie working a floor could service the power play, obliging the penalty-killing squad in overtime.

Richler sets a fast pace; you have to sprint to keep up. "There is nothing he will not try to package with humor and anguish," Roger Sale once complained of an earlier Richler novel, and while the points holds no less true for *Joshua Then and Now*, the sheer virtuosity of Richler's style has to be conceded. Richler is a high-energy artist, one of the best in the business, and if you enjoy watching him perform and can forget that the novel is now supposed to be a cultural sacrament, "*Ulysses* or bust" emblazoned on every dust jacket, then this book will give you your money's worth.

Mark Shechner

Mark Shechner teaches English at SUNY, Buffalo, and is author of the chapter on Jewish writers in the *Harvard Guide to Contemporary American Literature* (Harvard University Press).

The Real War
by Richard Nixon
(Warner Books; $12.50)

This book is both a *cri de coeur*, as the dust jacket announces, and a call to arms. Aided by several collaborators, former president Nixon, writing more "bluntly" than he expressed himself while in power, argues that the United States is in danger of losing a worldwide struggle for survival with the Soviet Union—World War III, already in progress. Only a massive military buildup and a much more active foreign policy will save us; the major obstacle to these steps, Nixon writes, is the willful ignorance of America's leadership class. One need not share Nixon's assumptions or value his role in American history in order to find this book provocative. Much of its argument draws effectively on history, it says publicly what many foreign policy specialists probably believe but dare not reveal, and its world view has an inner consistency that forces every reader to examine his own basic assumptions.

In essence, Nixon argues, the nature of our struggle with the Soviets has not changed since World War II. Militarily, Moscow may use strategic superiority either to fight and win a nuclear war or to extract other advantages based on a credible strategic threat. To prevent this, the United States needs much larger nuclear forces, both in order to respond to a Soviet first strike against our land-based missiles with a strike against theirs, and to make sure they do not secure even an apparent strategic advantage.

But in addition, we are engaged in a worldwide struggle for political influence in which every change of government is both a gain for one side and a loss for the other. Our interest requires that we support and maintain friendly political regimes all over the world; no piece of real estate is insignificant, and we must "regard the frontiers of Soviet advance as the frontiers of our own defense." Nixon's interest in much of the world is frankly economic. He naturally emphasizes the importance of Persian Gulf oil, but also cites African mineral resources which require our closest attention. He is even more blunt with respect to our political goals in the third world. He does not expect develop-

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ing nations to adopt Western institutions in the foreseeable future; they are clearly not ready for democracy, and, provided their governments serve our interests, we should not encourage them to move toward it. He opposes majority rule in South Africa as contrary to both black and white interests. In Latin America, he thinks democracy is no high priority, but governments that guarantee private investors against expropriation are. In the long run, Nixon argues, gains for the United States are gains for freedom everywhere, but in the short run support for Washington is the only test he is willing to apply to foreign governments. The book comes down clearly on the side of the Chilean junta against Allende and implicitly on the side of the Greek colonels against the regimes that preceded and succeeded them, even though Allende and the present Greek government are democratic and the military regimes involved were and are not.

It must be clear already that many readers will reject much of the thesis of *The Real War*. One should note, however, that the view of history on which it is based is extremely consistent. The source of much of the instability in the world, Nixon argues, was the breakup of European empires after World War II; the vacuum they left behind has offered many opportunities for the United States and the Soviet Union to intervene. The policies Nixon advocates grow directly out of the tradition of British imperialism, to which he frequently and favorably refers; like Winston Churchill, he is determined to see 20th-century America play the role of 19th-century Britain. Nor is Nixon's analysis of America's stakes in various parts of the world exaggerated. Western economies have expanded to the point that the United States, Europe, and Japan do depend on Persian Gulf oil, and if one accepts Nixon's contention that we must maintain access to it at all costs one must also concede that we must use any available means to do so.

And what of the strategies that Nixon lays out for survival? He is at his most persuasive in discussing Soviet-American relations. Not that his view of the Soviets is altogether consistent—in chapter two the Soviet leadership is unremittingly dedicated to our elimination, believing that their security "can only be guaranteed by total elimination of all potential opposition," while in chapter 11 it can be induced to promote our "mutual interests." But his emphasis on the need for sticks as well as carrots in bargaining with Moscow, such as the threat to build weapons systems like the ABM which they know they cannot match, is striking, and one must admit that the Nixon administration bargained more effectively with the Soviets than its successors.

But the view of the third world embodied by *The Real War* is much more debatable, and so is the proposed strategy for protecting American interests. Nixon favors resolute political, economic, and military aid to our friends; American troops should be used if need be, but he frequently implies that they should not be necessary.

This argument becomes outrageous in the course of his discussion of Vietnam. Ngo Dinh Diem, we learn, was winning the war against the Communists in 1963; trouble began only when the United States government, motivated by misplaced concerns for political rights in South Vietnam, overthrew his stable regime. (That the Kennedy administration soured on Diem when his regime was on the verge of collapse is a fact as well established as any in history. Diem's family was even talking peace with Hanoi.) In the same way, both the Tet Offensive of 1968 and the North Vietnamese offensive of 1972 were defeats for the enemy—a view hardly confirmed by contemporary intelligence documents. On another front, the shah is depicted as such a benefactor of the Iranian people that one would have expected them to canonize him rather than overthrow him. Here too the root of the trouble is portrayed as American vacillation. A demonstration of American will, it seems, will always suffice to keep repressive client regimes in power.

Nixon apparently cannot accept the existence of autonomous political forces within the third world—forces that militate against American influence, but do not necessarily favor Soviet interests either. Curiously, while he cites nationalism as the basis for the Sino-Soviet split and intermittently suggests that the Russian national character has contributed much to Soviet expansionism, he discounts nationalism—much less authentic popular revolution—in the rest of the third world. Revolutions are instigated by the Soviets; the overthrow of Somoza in Nicaragua is merely another instance of Soviet expansionism. Two of the book's

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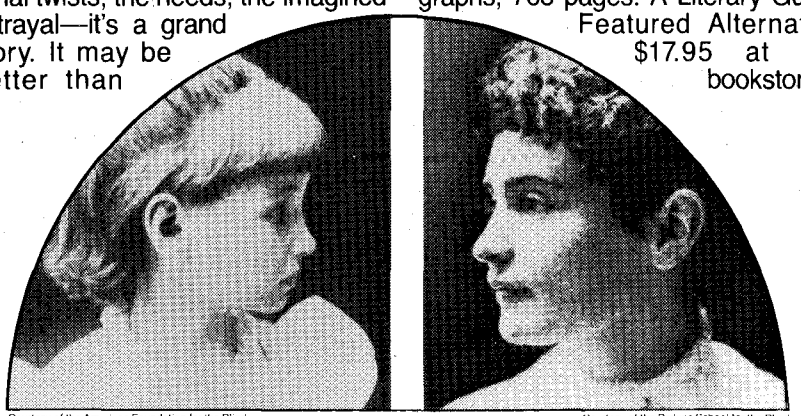

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weakest paragraphs deal with the Islamic revolution. Nixon clearly cannot accept that resistance to westernization might be intractable: wise reformers, he argues, must find a way to conserve "the best of traditional Islam" while meeting the needs of this and the next century. Americans, presumably, will decide what "the best of traditional Islam" is. Ironically, Nixon's memoirs revealed that during the North Vietnamese offensive of 1972, he briefly questioned whether American aid could be effective in the third world: "We give them the most modern arms, we emphasize the material to the exclusion of the spiritual and the Spartan life, and it may be that we soften them up rather than harden them up for a battle." But this observation, which Americans would do well to keep in mind, was apparently forgotten in the flush of the "victory" Nixon claims to have won in Vietnam in 1973.

Like any manifesto, *The Real War* can be approached most profitably on the level of its basic assumptions. Life, according to Nixon, is a ceaseless struggle which can end only in victory or defeat; we must strive for more arms, more spheres of influence, more resources, and more production. Nixon's emphasis on struggle is reminiscent of the classic imperialist, Cecil Rhodes, who remarked that "expansion is everything" and lamented that he could not annex the planets. And the emphasis on struggle leads directly to an obsession with power—the power which we must bend all our will to accumulate, only to bestow it upon one man, the president, who needs complete freedom of action to deal effectively with his Soviet counterpart. Freedom of expression and effective popular control of our government, to which Nixon gives such short shrift in the third world, must also be sacrificed at home to the extent that they reduce American effectiveness abroad.

Here again one must credit Nixon with following his argument to its logical conclusion. In the 19th century, because only a few bureaucrats and native troops were generally sufficient to maintain Britain as a world power, the British nation generally could reconcile democracy with its world role. Now, however, it has become clear that we cannot reconcile our democratic tradition with the kind of open-ended overseas commitment that Nixon proposes. Still, he unreservedly chooses to continue the world struggle, confident that God is on the side of America.

Many will find Nixon's assumptions fallacious and his strategies unworkable. But those like this reviewer, who believe that the United States should not work actively against human rights, that the third world has a will of its own that cannot necessarily be manipulated by either superpower, that Persian Gulf oil is not worth a major war, and that we should consider major changes in our way of life to prevent further disastrous foreign adventures, would welcome an equally consistent statement of their own case.

David E. Kaiser

David E. Kaiser, who teaches history at Harvard, is the author of the forthcoming *Economic Diplomacy and the Origins of The Second World War* (Princeton University Press).

The Days Grow Short: The Life and Music of Kurt Weill by Ronald Sanders

(Holt, Rinehart & Winston; $16.95)

In the absurdly short space of 50 years, covering almost exactly the first half of our century, Kurt Weill led three different lives, each interesting to a different group of people. First came the serious modern German composer, pupil of Busoni and worthy colleague of Hindemith and Milhaud; he was most active up to about 1927. Overlapping him came Brecht's collaborator on *The Threepenny Opera* and other works; he was partner in an on-and-off relationship that lasted until 1934, just after Hitler came to power. Finally there was the American film and theater composer who made his name on Broadway with such musicals as *Lady in the Dark*, *One Touch of Venus*, and *Lost in the Stars*, a successful competitor in the same league as Gershwin, Kern, and Berlin. None of these three Weills has yet been at all adequately written about in any language, let alone related convincingly to the others. A full critical biography has long been needed.

Sanders has not exactly provided that, but his book is thoroughly researched within its limits, and it is very much better than nothing. It covers the ground; it sets out what is known about Weill, with due acknowledgment to those who did the spadework; it contains

photo of Kurt Weill, 1946. ASCAP.

sensible, unfussy source notes and useful lists of recordings and published and unpublished compositions. The author does not pretend to be more than a musical amateur (like this reviewer), which means that while he genuinely loves the compositions discussed he is not equipped to analyze them. Where the margins of his subject are concerned he sometimes gets things wrong or misses their significance; his background knowledge of Germany in the 1920s seems a bit thin. The main drawback of *The Days Grow Short*, however, lies in the sense of judgment and proportion which allows the third of the Weills to get as much attention as the other two combined.

By halfway through Weill's life as a composer—which occupied roughly 30 years—we can say that two of his careers were virtually over. But this is also halfway through the book, which is accordingly tilted toward his American works and persona. A certain mushiness

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creeps in, such as is already implicit in the title: "But it's a long, long while / From May to December / And the days grow short / When you reach September. . . ." "September Song" from *Knickerbocker Holiday* is a delightful piece, but these words are really drivel—sentimental, ineptly rhymed platitudes such as none of Weill's German collaborators ever would have written. They come on the first page, and although the author clearly sees and admits the case for saying that this new American sweetness took away much of the music's bite and originality, it represents a continual hazard to the book itself.

The small section of pictures, badly reproduced as it is, tells the story: the solemn young Weill picks up a "have a nice day" smile as he moves into the shirt-sleeved geniality of New York show biz, but from *Knickerbocker Holiday* on the stage photos look wooden and sterotyped. And the author too is lured by the stereotypes of the Broadway success story, now and again speaking chattily of "Kurt" and speculating about his relations with his cantor father and the Jewish religion, often ending his chapters on a synthetic point of suspense. This perhaps is what leads him to simplify the incompatibilities that always existed between Weill and Brecht with the implied *Schadenfreude* of phrases like "Brecht could not have been very pleased about this." So he exaggerates the extent of the break in their collaboration that occurred around 1931, paying too much attention perhaps to the theater memoirs of Ernst-Josef Aufricht—like the theater itself, theater quarrels can be dramatic but ephemeral—and too little to Weill's literary and political judgment, which coincided with Brecht's to a remarkable extent, even if they ultimately disagreed. Here Weill's own work as a critic was significant, as were his collaborations with Kaiser and Goll, two writers much closer to Brecht's way of writing than any of the poets set to music by Hindemith, say, or the Vienna school.

Though Weill remained intrigued by the possibilities of *The Good Person of Szechwan* up to the end of his life, the lasting links between him and Brecht were, first, the designer Caspar Neher and second, Hasek's incomparable war novel *The Good Soldier Schweik*. It is a pity therefore that Sanders does not do more to stress the formal originality of *Mahagonny*, which started as a kind of operatic montage in which Neher played a key part. He also fails to see quite how central *Schweik* remained not only to Brecht and Weill but to Erwin Piscator too. It was a common platform over which they might quarrel but on which they all three stood. Nor did Brecht, when it came to the point, actually wish to remain aloof from Broadway, any more than did Piscator and Max Reinhardt. Virtually everything that he wrote in his American years was done with Hollywood and/or Broadway in view, and if he was less successful than Weill in accommodating himself to their standards it was due not to any conscious high-mindedness but to his hopelessly unsentimental character. Sanders tells a significant story of Meyer Weisgal's well-intentioned and vastly ambitious Jewish "dramatic oratorio" of 1935, whose musical setting was Weill's first American job. Franz Werfel, its author, gave a first reading for the benefit of Max Reinhardt, its director, and, said Weisgal, "I cried. Weill cried. Werfel cried. Finally, Reinhardt cried. Then I knew we had something." The unspoken corollary is that success came to the three Europeans in order of crying: Weill first; Werfel years later with *Jacobowsky* and *The Song of Bernadette*; Reinhardt—too slow off the mark—scarcely at all. But if Brecht had been there he might well have laughed. He tried to make it, but he was constitutionally unfitted—a born flop.

Weill had the qualities needed to revitalize the American musical; he only had to shed a certain European irony, and take his tongue out of his naturally tuneful cheek, and accept the ruling literary conventions as he found them. He did so, keeping as close as he could to the progressive, cosmopolitan end of show biz and working for preference with people who knew what things like Dada and Schweik and *All Quiet on the Western Front* and George Grosz—not to mention psychoanalysis and the Nazis—were all about. If in the end this meant preferring Ben Hecht to Bert Brecht it was just one of the facts of theatrical life. Nor did he have to modify his theoretical musical principles all that much. "I believe in the simplification of music," he said soon after his arrival. "If someone has something to say, it is not important what means he uses so long as he knows how to use them." And again, a year before his first great success with *Lady in the Dark*, "I'm convinced that many modern composers have a feeling of superiority toward their audiences." Among much else that is pertinent and revealing Sanders quotes these down-to-earth remarks. He sees them, however, as pointing toward the extraordinary Broadway composer who differed from others by doing his own arrangements and orchestrations, liking the words to be written first and not even composing at the piano, and seems to forget that they also point back to what Hindemith and a whole group of others were trying to do in the 1920s: simplify the scale, texture, and technical demands of music and bring it into line with the demands of the real world.

Irony and success are not easily

A NATURAL SHAME

The moon's small aura pins
the shadow of the sleeping children's
hobbyhorse down, black comic
monster, flat to the floor.
And I, inept at prayer,
clutching the bedclothes. I picture
wreck, gun, epidemic.
Tabloid headlines figure
in the elm trees' leaves. Unmoored,
a shingle flaps into air.
Snapped from sleep so short
it only dried the throat
by a phrase: "A natural shame . . ."
As if in her long career
nature had ever known shame—
this sentence out of the country
junkyard that is the mind
untended, wakes me to sentry
duty. Unsettled by wind,
my old dog clicks along
the halls in disrepair.
Their ancestors' cells among
the bloodways of the babies
conspire, too soon, too soon.
The will would impose its stasis
but in every pictured scene
I envision a moving thing:
bicycle tire spinning,
glucose bottle dripping
like heartbreak, murderer fleeing,
solid realist Earth unfurling
into Romantic flight,
ink going white . . .

Sydney Lea

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compatible, and if the latter is a classic American virtue the former perhaps is not. But the real irony in Weill's case is that today his Broadway successes are half forgotten while Mack the Knife and his ballad—that last-minute afterthought by two subversive young men in 1928—are familiar all over the United States, if not the world. This does not mean, of course, that Weill could only compose at his best when under Brecht's influence, but it does suggest that a formally experimental work, full of flaws and longueurs such as any competent play doctor would feel bound to operate on, can have a durability and inner toughness denied to the efficiently packaged musical play. Sanders certainly would not contest this, but he doesn't do much to explain it either, and he seems—at least to a European reader—to take the merits of the Broadway formula too much for granted. Admirable as Weill's principles were, the lesson of his life surely is that any success that is more than cash-deep has to come from thinking the problems of musical theater out afresh.

John Willett

John Willett is author of *The Theatre of Erwin Piscator* (Holmes and Meier) and joint editor and translator of Brecht's *Poems 1913-1956* (Methuen).

The Politics of Regulation edited by James Q. Wilson

(Basic Books; $18.95)

Legislators typically instruct regulators to deal with problems too complex or controversial for political resolution. Regulatory agencies must decide, for example, whether trade practices are "unfair," food substances are "poisonous or deleterious to health," broadcasters act in "the public interest," consumer products pose "unreasonable risks" of injury, drugs are "safe and effective," and working conditions cause "material impairment of health or functional capacity" of employees.

Judgments such as these, which affect substantial sectors of our economy, have been legitimized by the idea that regulatory agencies exist outside the self-interested hurly-burly of politics. Through their application of scientific expertise and policy analysis, and within a decision-making structure resembling that of a court, regulatory agencies seek to discover a single, non-political truth called the public interest.

This regulatory ideal of "scientific" policy-making has its roots in turn-of-the-century progressivism. Political leaders like Charles Evans Hughes, Robert LaFollette, Woodrow Wilson, and Louis Brandeis argued that the regulatory tasks of government could be performed better if taken out of politics and entrusted to the professional administration of nonpartisan experts. By World War I, 30 states had established public utility commissions, and the federal government had created the Interstate Commerce Commission and Federal Trade Commission. A second wave of regulatory agencies appeared during FDR's administration; a third wave during the Nixon administration.

From its inception, the regulatory ideal has coexisted uneasily with democratic values. Progressive notions of nonpartisan civic leadership masked a distrust of newly enfranchised immigrants and the urban poor. New Deal reliance on social science expertise masked uncertainty about the functioning of political processes under economic stress. And as various critics of regulation (Ralph Nader and Milton Friedman among them) have charged, regulatory agencies often became dominated by the very industries they were supposed to regulate, which resulted in business protection from competition rather than public protection from business.

Reformers have responded to these criticisms by seeking to draw the line more sharply between politics and regulation. In a series of statutes and court decrees over the last two decades, they have imposed a formal adversarial process on regulatory decision-making, required regulators to take evidence and justify their decisions in a public record, instructed them to analyze the probable effects of their decisions on the environment and the economy, and permitted federal courts to review the correctness of their decisions. The search for a non-political truth was to be constrained within a system designed to minimize bias and discretion, thereby insuring that policy-making in regulatory agencies was as juridical as it was objective.

In *The Politics of Regulation*, James Q. Wilson and his colleagues, all political scientists, examine this regulatory ideal of scientific policy-making. In 10 crisply written essays, covering nine regulatory agencies with a summary piece by Wilson, the authors seek to discover how agency goals are determined, conflict resolved or managed, standards set, and policy enforced. Their findings suggest that neither elaborate court-like procedures nor special agency expertise fully explain regulatory behavior. Neither, for that matter, do theories about agency "capture" by regulated industries or by anti-democratic elites. Instead, they find that regulation is largely the result of coalitions of diverse participants—career bureaucrats, political appointees, agency professionals, public activists, and corporate managers—all with different motives, and all interacting within complex institutional settings which provide changing patterns of incentives.

For career bureaucrats, survival and stability are all important. Serious crises that cast doubt upon their ability to maintain order—the bankruptcy of a major utility or carrier, a dramatic loss of life, catastrophic injury—are to be avoided at all cost. Controversy, visibility, the possibility of scandal, all threaten the autonomy of career bureaucrats because they might unleash political forces against which the careerists are powerless.

To political appointees, on the other hand, tenure as the highly visible head of a regulatory agency may be a stepping-stone to higher office. Wilson is struck by the extent to which this motive operates today, in contrast to years past when appointment to a top position in a regulatory agency often was seen as a political dead end. (Neither he nor his colleagues fully explore the implications of this change. What does it signify about the emerging role of regulation? What does it portend for the relationship between agency heads and the career bureaucrats they supervise?)

Agency employees who consider themselves members of professional groups—lawyers, public health specialists, economists, accountants—are conditioned by professional norms outside the agency. Agencies dominated by

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lawyers (such as the Federal Trade Commission, the Antitrust Division of the Justice Department, and the Environmental Protection Agency during its early years) therefore tend to be particularly active in issuing orders, filing lawsuits, and prosecuting offenders. Their mission is to enforce the law, and their view of the world is adversarial. Where physicians dominate (as in the Food and Drug Administration), agencies tend to view their mission as preventing disease, even if that means delaying the introduction of a life-saving drug until it is proved safe. By contrast, public health officials work chiefly to improve the environments in which people live. Agencies in which they dominate (like the Occupational Safety and Health Administration) therefore are apt to devise engineering solutions requiring expensive changes in environments, rather than remedies emphasizing personal care and prevention.

It is no accident, of course, that a regulatory agency contains a particular combination of cautious careerists, aspiring politicians, and professionals who view the world through the narrow prism of their own specialties. Wilson and his colleagues hint at the relationship between these participants within agencies and other participants on the outside—industry executives, labor union leaders, trade association personnel, Washington attorneys, public interest advocates, and elected officials—who directly benefit from or suffer the consequences of agency decisions. The authors suggest, for example, that where the benefits of regulation are spread over the population, as with environmental protection, the agency is likely to be propelled by a coalition of participants who have an interest in dramatizing the agency's mission in order to heighten public awareness and so ensure grassroots political support. In these circumstances, public interest advocates can be expected to team up with politically ambitious agency heads, elected officials who want to display vigorous leadership, and agency lawyers who seek to be tough prosecutors. In its early years, the Environmental Protection Agency under William Ruckelshaus depended on just this sort of coalition.

By contrast, where the benefits of regulation are enjoyed by well-defined groups—an example would be the relationship of the US Merchant Marine to shipping regulation—the agency is apt to respond to a different coalition: career bureaucrats, agency heads who anticipate future employment in the regulated industry, elected representatives dependent on the industry for campaign contributions, and officials of the regulated industry itself.

Another kind of politics characterizes agencies whose decisions benefit some participants at the expense of others of approximately equal political strength. Here coalitions are apt to be unstable, occasionally generating intense conflict. This may explain the behavior of the Occupational Safety and Health Administration, whose decisions are of direct consequence to both business and unions, and of the Federal Trade Commission, whose rulings touch on an extraordinarily wide range of economic and political interests.

The implications of all this for reform of regulatory agencies are far from clear. Following what the authors might consider the professional standards of political scientists, they carefully avoid making suggestions for improving agency performance. Nor do they offer any basis for evaluating the behavior of regulatory agencies, short of asking to what extent the coalitions that determine agency output realize the agencies' avowed public purposes.

The essays do, however, convey a powerful message, one rich with implication for the current debate over government regulation: there *is* a politics of regulation. Notwithstanding elaborate legal procedures and complex methods of policy analysis which constrain regulatory decision-making, the output of regulatory agencies is shaped to a significant degree by the dominant values, biases, and ambitions of those who actively participate in them. These motivations and interactions are political in the sense that they are varied and dynamic, and they result in rules that have the force and effect of law. While this form of politics derives many of its principles from sociology and psychology rather than from traditional sources of political analysis (neither the White House nor Congress figures prominently in these discussions), it nevertheless confounds the ideal of scientific policy-making on which the legitimacy of regulatory agencies is based.

If regulatory agencies are essentially political, then why should their decisions be shielded from politics? Indeed, why establish quasi-independent boards and commissions and have them behave like courts? If there is no single, non-political truth called the public interest—or none that regulatory agencies are capable of discovering—why not rid ourselves of these old bureaucracies and reassign their responsibilities to Congress? Congressional staffs are already so large (totaling over 17,000 at last count) that most agency staffs could be added on almost unnoticed. Their recommendations for regulations could be fed up to elected representatives, following the same route as complicated pieces of proposed legislation. In short, if the line between politics and regulation is a charade, why not obliterate it?

This, the implicit message of *The Politics of Regulation*, overlooks a central—

Books By Our Contributors

This has been a productive season for *TNR*'s columnists and contributing editors. Since it is our policy not to review their books, we would like to take this opportunity to announce them.

Robert Brustein, *Critical Moments: Reflections on Theatre and Society 1973-1979* (Random House; $9.95)

Robert Coles, *Flannery O'Connor's South* (Louisiana State University Press; $14.95)

Robert Coles with Jane Hallowell Coles, *Women of Crisis II* (Delacorte; $10.95)

John Canaday, *What is Art?* (Knopf; $30)

Stanley Kauffmann, *Before My Eyes: Film Criticism and Comment* (Harper & Row; $16.95)

Michael Ullman, *Jazz Lives* (New Republic Books; $9.95)

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and often ignored—function of regulatory agencies. At its best, agency decision-making can elucidate facts and judgments with which the political branches consider themselves ill-equipped to deal. Perhaps the issues at stake are simply too "hot" for detailed political resolution. Or perhaps their underlying trade-offs and assumptions need public clarification and explanation. Either way, the process of agency decision-making—on record, in full public view, with a reasoned opinion—can help the public understand complex issues and deal with them in a more coherent manner than is often possible within the political branches. Moreover, it encourages confidence in government fairness and ensures the accuracy of facts upon which policy-making is based.

According to this view, the legitimacy of the regulatory process rests not on its supposed access to nonpartisan truth, but upon its ability to raise and clarify arguments upon which political decisions depend. Congress acted decisively to postpone the FDA's proposed ban on the sale of saccharine, in part because the public was not satisfied with evidence elicited during the rule-making process linking saccharine to cancer. Congress may override the FTC's proposed rule restricting television advertising aimed at children. But in both these instances, the regulatory agencies helped focus public attention on alleged harms and bring out issues in a way that enriched political debate. To this extent, they fulfilled their political functions.

In *The Politics of Regulation*, James Q. Wilson and his colleagues do a superb job of unraveling the myriad political influences upon the regulatory process. Their work would have made a more substantial contribution to the current debate over regulation, however, had they looked also at the role of the regulatory process in enlarging the scope of political debate.

Robert B. Reich

Robert B. Reich is director of policy planning at the Federal Trade Commission.

Coming:
Frank MacShane on
Alberto Moravia's
new novel.

Brief Reviews

Rough Strife
by Lynne Sharon Schwartz
(Harper & Row; $9.95)

To a certain extent Ivan and Caroline are just two more representatives of upper-middle-class angst. They cope valiantly with the demands of their careers (he is the director of a foundation for the arts; she is an eminent scholar in topology); they work hard to fulfill their expectations of a successful marriage; and, as they make the desired advances in their fields and begin to build their family, they ponder, and fret about, their dwindling dreams.

Ivan and Caroline live on a fashionable Boston street lined with maples and brownstones. Ivan serves on the Mayor's Advisory Council for Historic Preservation and publishes articles in architectural magazines and occasionally in the *Nation*. He is courteous to a fault, discreet, charming, urbane, and he understands and admires women. Caroline is outspoken and defiantly independent. She professes to be an anarchist, engaging in spirited political debates with Ivan, but she reads Jane Austen and Proust and attacks the knots and bumps in her marriage with the same analytical furor she directs toward her problems in geometric topology. Their friends marvel at their compatibility; they even talk to each other at parties.

The protagonists of *Rough Strife* may seem precious types at first glance but, surprisingly enough, they are a couple whose troubles we can believe in and sympathize with. Their marriage thrives as much upon competitiveness and intellectual dispute as it does upon mutual respect, a shared sense of personal irony, and a lasting physical attraction. Their fluctuating moods, more often than not, are out of synch. Caroline and Ivan inflict casual cruelties on each other, and Schwartz invests their marital battles with a viciousness tinged with the ludicrous. In a flash she reduces her high-browed heroes to petty hysteria. They go to an opening of a show by a group of young artists whom Ivan has helped to get a grant. Soon after arriving Caroline, who is pregnant, feels ill and asks Ivan for the car keys so she can go home. Ivan is furious that she has spoiled his evening but he icily insists on driving her back. Once in the car they let loose their rage, Ivan throwing the car into gear with a jolt that thrusts Caroline into the dashboard, Caroline screaming that he's jealous of an embryo. At home, Caroline sinks into a chair with relief, feeling calmed, and suggests he return to the opening, but Ivan slams the door, loathing Caroline in her pregnancy, berating her for ruining their lives.

There are vivid moments, too, of sudden, unprovoked tenderness, and Schwartz convincingly evokes the vulnerabilities and vanities of early middle age. Ivan, who brushes his hair vigorously twice a day to avoid baldness, anxiously asks Caroline one evening if it feels thinner to her. She examines his scalp with concern and reassures him that it feels fine, perhaps only thinner by a hair or two. To stave off his loneliness when Caroline is off teaching a seminar for a semester, Ivan puts her pillows away in the closet.

This energetic first novel is a tightly circumscribed contemporary drama about a quirky, loving struggle between a man and a woman. Schwartz doesn't let Ivan and Caroline wallow in apathy or bitterness or self-pity. They show their scars as they grow older and the domestic quarrels continue, but throughout it all they retain their sense of humor. *Rough Strife* is a wise novel, rewarding in its honesty and clarity of vision.

Dorothy Wickenden

Life for Death
by Michael Mewshaw
(Doubleday; $10)

On January 7, 1961, 15-year old Wayne Dresbach shot and killed his parents. Even before his trial began, he was presumed guilty. He spent the next 10 years in a Maryland prison that refused to parole him, trying to survive the psychological consequences of his crime and the repeated rape attempts made on him by his fellow inmates. On February 18, 1971, Wayne Dresbach was finally released.

Michael Mewshaw's purpose in writing this book is "to let the truth (finally) be told" about Wayne. With the one-day trial and the 12-minute jury deliberation to determine the youth's guilt, Mewshaw is correct in saying that Wayne was never fairly judged.

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Part of the reason for his perfunctory treatment is that the trial did not bring forward as evidence what the book now describes: the horrors of Wayne's life at home. The judge ruled home life irrelevent to the crime. Mewshaw writes that this was because in 1961 few courts would have admitted as evidence the sordid details of the Dresbach household.

Mewshaw, a childhood friend and neighbor of Wayne's, movingly shows that the Dresbachs' treatment of their son is indeed what drove him to murder. Harold "Pat" Dresbach, the wealthy lawyer-father, beat his wife and kids, held orgies in his living room, and allegedly sold pornography. Teased, tormented, and berated, Wayne attempted to run away five times and each time was returned to his parents. He was left with no exit—except murder. His father was his main target, but Wayne's rage also overflowed onto his mother.

Mewshaw places too much emphasis on the trial, not enough on Wayne's childhood. But this would have been excusable if the author had not shown so fatal a penchant for clichés in the crucial trial scenes. Finally, it is unfortunate that the facts are presented as just the facts, and not as a novel, which might give the reader more insight into Wayne's psychology. Sometimes Mewshaw writes extremely vividly, and the prison scenes after the trial scene are particularly well done. But his cliché phrases and his rambling subjectivity prevent this from being a more dramatic work.

David Smith

David Smith is a freelance writer.

Correspondence, *from page 5*

light of the fact that he is hiding behind a pseudonym and is in fact the author of a manuscript recently rejected by us.

Herbert S. Bailey Jr.
Director
Princeton University Press
Princeton, New Jersey

Sharif Aranyi replies:
I do not understand in what sense I could be said to be "hiding" behind a pseudonym. My pseudonym was known to Princeton University Press because I had submitted other articles published under it to them in connection with a proposal for writing a book. The reason for its use should be evident from the fact—briefly stated in my identifying blurb in the review—that I am an Iranian.

What was rejected by Princeton University Press was not a manuscript but a proposal, which proposal was at the same time sent to a number of other publishers. The Press wrote back promptly to point out that they had a general policy of not publishing works of which substantial portions had already appeared in article form and could therefore not consider my proposal. This can hardly be assumed to have provoked a vengeful reaction on my part and to have influenced my judgment.

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A SEARCH

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If the answer was to be found, it could best be found working among the people. He left his church as member and minister. Trained for no other trade or profession and a family man, he at first could only do odd jobs; later came steady work with minimum pay.

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Washington Diarist

Return of the Notary

President Carter had two things to say about John Anderson on "Face the Nation" last Sunday, and he said both of them twice. The first was that Anderson is really a conservative Republican just like Ronald Reagan and "it's ridiculous for an incumbent Democratic president . . . to debate two Republicans simultaneously." His second point was that "Whatever success Anderson has in the general election period will be help to Ronald Reagan at my expense." These two points, of course, are perfectly contradictory. How can a conservative Republican take away more votes from a liberal Democrat, as Carter chose to portray himself that day, than from another conservative Republican? Carter's latest rationale for not debating Anderson is transparently phony. Whatever color Anderson's soul may be, he is not carrying on like a conservative Republican and obviously would not do so in a presidential debate. Carter's suggestion that there he would be, trying to defend liberal values, but unfairly overmatched by two reactionaries, is preposterous. What he really fears, justifiably, is having to share the so-called liberal side with someone else.

My second-favorite magazine, the *National Notary*, has reappeared in my mailbox after too long an absence. I was afraid they had cut me off in an attempt to improve their demographics. Editorial quality, I was relieved to see, has not declined. There is an interesting feature on notarial life in Argentina, where the "Escribano Publico" is a highly respected profession. The annual legislative review reports a record-breaking 87 notary-related bills in 1979; but I am sorry to report that in the state-by-state listings, 17 states are recorded as having "NO NOTARY LEGISLATION INTRODUCED IN 1979." Get with it, Alabama, Alaska, Arizona, Arkansas, et al.! The lead story on "Notaries in the 1980s" points out that even George Orwell failed to predict notarial advances such as computerized pens. "Technology may enable the Notary to perform traditional notarial duties with heightened efficiency; however, technology has also proven a potent weapon for his nemesis, the forger." In his opening comment, *TNN*'s editor deals forthrightly with the charge frequently and unfairly leveled against this fine publication: "Your publication goes overboard in relating every topic to the Notary." The editor points out that *TNN* "has additional concerns that necessarily change the character of its editorial content from that of *Time* or *Newsweek*. . . . We'll let other publications tell you about inflation, national politics, or Afghanistan. But one thing's for sure: no other publication will tell you as much about notarization as *The National Notary*. . . ." Mr. Valera, I think, speaks for all of us who work at publications that are sometimes accused of being obsessed with a particular topic. Even *The New Republic*, it has been suggested, concentrates too much on a certain faraway democracy surrounded by vengeful enemies, and not enough on other important topics such as notarization. We feel that publications such as *Time* and *Newsweek* and the *National Notary* provide a sufficiently broad overview of notarial developments, permitting us to concentrate on subjects of more idiosyncratic concern. Nevertheless, as a public service, this column will continue to bring you highlights from issues of the *National Notary*, as they arrive.

Fancy leather-bound desk calendars have become a popular snob-appeal item. For some reason they are often marketed by magazines, which fill them full of ostensibly useful information to help justify the cost. The *New Yorker* does one, but the one maintained by a co-worker of mine is put out by the stately British weekly, the *Economist*. I recently referred to this elegant icon to see if our resident leather fetishist had recorded the date of the Republican convention. Sure enough, there it was, July 14. It was interesting to see what the *Economist* deems important about July 14. The publisher had marked the day, first, as "(Holiday Northern Ireland, subject to confirmation)" and then, in bold lettering, as "**Ramadan, First Day**, approximate date." While we're being so terribly international, July 14 also is Bastille Day. But the *Economist* no longer regards that as worthy of mention, compared to Ramadan. Ramadan, of course, is an Islamic holy month, though Nicholas von Hoffman observes that all months seem to be holy months in Islam. Would anybody be interested in paying $12.95 or so for a *New Republic* calendar? It would list important dates for our readers such as Adlai Stevenson's birthday, Jewish holy weeks (when, according to the Talmud, all editorials on the Middle East must be written by rabbis), the anniversary of TRB's first reference to the superiority of parliamentary government, and so on. It would not list Ramadan, but it would summarize *TNR*'s editorial position on all major issues (subject to confirmation).

What is proper etiquette if you are standing next to a major civil rights leader when he gets shot? Proper etiquette, it seems, is to fall to pieces and sob uncontrollably. Anything else is highly improper. Martha Coleman, the woman who had just driven Vernon Jordan back to his hotel when the shooting happened, did not follow the rules. Instead, she calmly informed the desk clerk of what had happened, then made a few phone calls, apparently including one to a lawyer. "Jordan's Companion 'Cool, Composed' After Shooting," ran the page one headline in the *Washington Post*. Suspicious, no? Of course excessive display of hysteria and grief might also seem suspicious, as in: "Jordan's Companion In Shock Over Shooting." Ms. Coleman has been the victim of absurd innuendo and speculation since the incident. Richard Cohen, the *Post* columnist, suggested it's because she is a divorcee. The fact that she is white and Jordan is black also raises eyebrows. Here again, though, if the opposite were true—if she were black—slightly different but equally nasty assumptions would arise. The real cause of all the attention paid to Ms. Coleman is, I think, that a mob of reporters descended on Fort Wayne and had nothing else to report about. In their capable hands, anything can be made to seem suspicious. The known facts are these. Coleman is a local Urban League board member and co-sponsor of the dinner at which Jordan spoke. The dinner was at the same hotel where Jordan was staying. After the dinner they had drinks at the hotel cocktail lounge. At about one o'clock they drove about 20 minutes to her house, supposedly for coffee, stayed about 20 minutes, then drove back. They were standing in the parking lot when Jordan was shot. Taken alone, some of the elements of this chronicle might seem suspicious. Taken together, they merely seem a bit peculiar, and maybe not even that. (Where does one go for coffee in Fort Wayne at 1 a.m.?) To me, at least, the whole story doesn't suggest any one thing more than it suggests anything else. And it suggests nothing at all about the shooting. I guess I'll never be a great reporter.

M.E.K.

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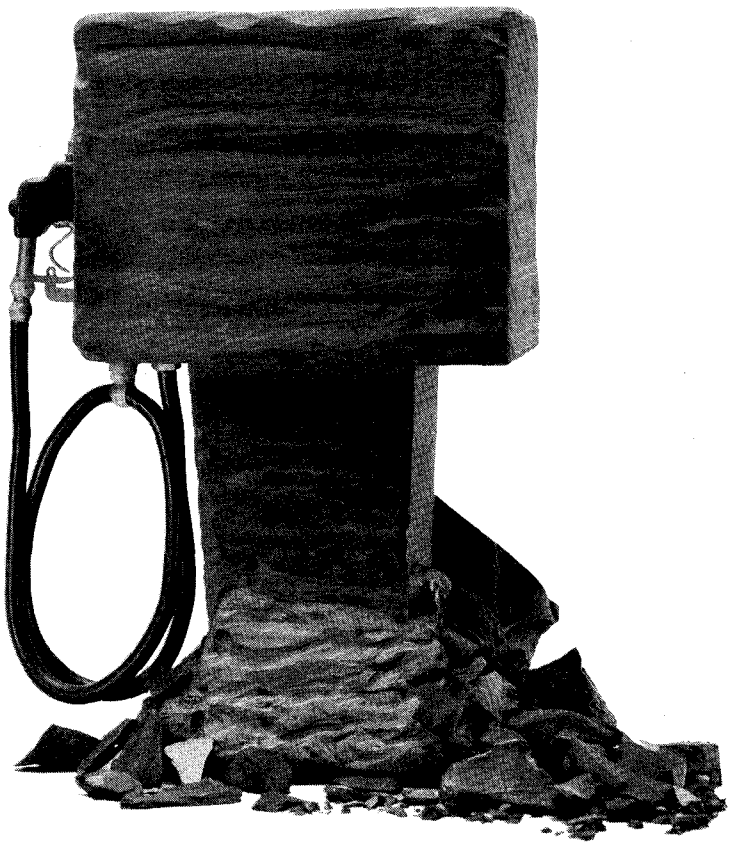

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